



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

April 14, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilman J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Rick 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
Brian Wallace, Planner II

Commission Members Absent:

Doug Small, Vice Chairman

I. CALL TO ORDER

The meeting was called to order at 4:02 p.m.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF MARCH 24, 2005 MINUTES

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously to approve the March 24, 2005 minutes. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilman Bradley spoke in favor of Item #10 2005Z-048T.

Councilwoman Lynn Williams spoke in opposition to Item #16 2005S-085U-10. She indicated that the subdivision would not be comparable to the existing neighborhood. She spoke in support of staff's recommendation to disapprove.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- 17. 103-79-G-14 Riverfront Shopping Center – a request for final approval for a portion of a commercial Planned Unit Development district located on the south side of Robinson Road to permit the extension of infrastructure and grading a remaining portion of undeveloped property – deferred to April 28, 2005 at the request of the applicant.
- 18. 99-85P-14 Briley Corners - A request to revise the preliminary and for final approval for a portion of the Commercial PUD district located along the south side of Lebanon Pike at Craigmeade Drive – deferred to April 28, 2005 at the request of the applicant.
- 19. 2004P-024G-12 Christiansted Valley - A request for final approval for a residential PUD located on the eastern terminus of Christiansted Lane, and Palomar Court to permit 49 single-family lots – deferred to April 28, 2005 at the request of the applicant.

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 McLean seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented.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

VI. PUBLIC HEARING: CONSENT AGENDA
ZONING MAP AMENDMENTS

- 5. 2005S-024G-14 Hadley’s Bend City - A request for final plat approval to create four lots abutting the northeast corner of Commerce Street and Main Street - Approve w/conditions
- 6. 97P-005U-11 Bhomar PUD (Import Specialty Service) - A request for final approval for the Commercial Planned Unit Development located at 375 Glenrose Avenue, at Hester Avenue - Approve w/conditons

PUBLIC HEARING: ZONING MAP AMENDMENTS

- 7. 2004Z-139G-12 A request to change from AR2a to RS5 district property at 6614 Nolensville Pike - Approve
- 8. 2005Z-046T A request to change the text Section 17.40.740 of the Zoning Code by abolishing application fees for certain zoning applications - Staff recommends that the Commission take no official position on the bill.
- 9. 2005Z-047T A request to change the text of Section 17.40.740 of the Zoning Code by 17.40.740 to provide for the waiver of application fees for certain zoning applications - Staff recommends that the Commission take no official position on the bill.
- 10. 2005Z-048T A request to change the text of Section 17.32.160 of the Zoning Code regarding the calculation of sign area, height and placement on canopies - Approve
- 12. 2005Z-050U-03 A request to change from RS15 to CL district a portion of property at 4121 Clarksville Pike - Approve

FINAL PLATS

- 13. 2005S-073G-04 Twin Hills - A request for preliminary plan approval for 34 lots at the east terminus of Twin Hills Drive Approve with conditions, including approval of an alternative footpath in lieu of a portion of the required sidewalk and a variance for cul-de-sac length. This approval also includes: Removal of condition #3 in the staff report and Amend condition #6, to read: **A roundabout or other traffic calming device approved by**

Planning and Public Works must be included on the final plat, or the cul-de-sac must be shortened to 750 feet, which may result in a loss of lots.

- | | | | |
|-----|---------------|---|---|
| 14. | 2005S-077U-05 | Fischer Subdivision - A request for final plat approval to create two lots abutting the west margin of Scott Avenue | - Approve including a lot width variance and a lot comparability waiver |
| 15. | 2005S-080G-04 | Fillmore Place - A request for final plat approval to create 6 lots abutting the north margin of Nesbitt Lane | - Approve including lot comparability waiver |

PLANNED UNIT DEVELOPMENTS (revisions)

- | | | | |
|-----|---------------|--|---|
| 20. | 2005P-007U-08 | John Henry Hale Homes – A request to revise the preliminary for a residential PUD located on the southeast corner of Jo Johnston Avenue and 17 th Avenue North, to permit the construction of 228 multi-family units, including a community building and management office, replacing 498 existing units. | - Approve with conditions, including a revised condition #1 which will read: “All Public Works Conditions as listed above, except as follows: (A roadway connection in the vicinity of 14 th avenue North, as shown on the site plan, shall be allowed with the conditions that it be designated as right-in, right-out only.” |
|-----|---------------|--|---|

OTHER BUSINESS

21. Recommended 2005-06 Capital Improvements Budget - Approve

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

VII. ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE

Staff Recommendation - Disapprove

APPLICANT REQUEST - Change the land use policy from Corridor General to a Special Policy that would permit commercial development for approximately 5.1 acres for property located on the west side of Hobson Pike north of Hamilton Church Road

Existing Land Use Policy

Corridor Edge (CE) - CE policy is intended to respect and preserve a scenic, residential and quasi-rural corridor. Typical uses within CE areas are agricultural, large-lot residential, churches and schools, and open spaces or greenways. CE expressly forbids commercial development to avoid commercial “stripping” of the corridor or other disruptions in the scenic character.

Proposed Land Use Policy

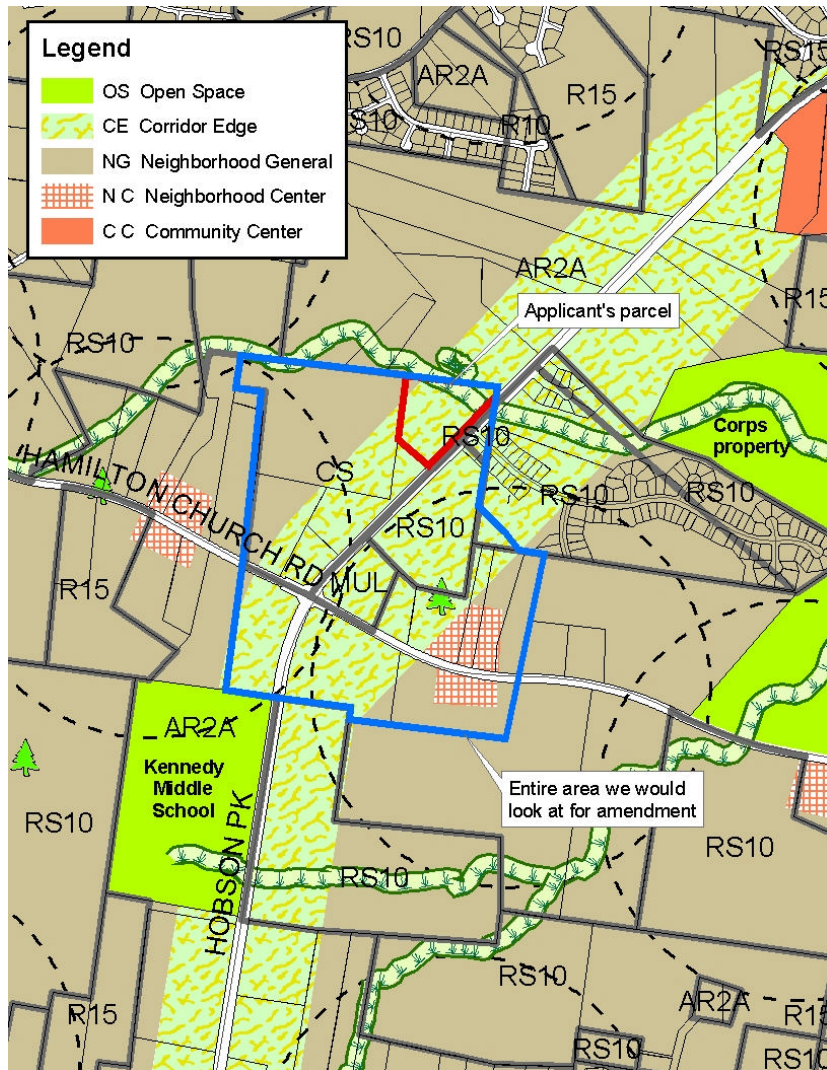
Special Policy Language - The special policy language for the applicant’s property would recognize the existence of adjacent undeveloped commercially-zoned property to form a basis to allow commercial operations (specifically boat and marine equipment and repair) on the applicant’s property.

ANALYSIS - The applicant has requested to add Special Policy Language over the existing CE policy in order to develop a facility that would sell and repair boats and other marine equipment. In reviewing the amendment request, staff expanded the Special Policy area to include several adjacent commercially-zoned (but as of yet undeveloped) properties as well as nearby agricultural properties and residential and commercial developments that would be affected by any new commercial development. This includes the under-construction Windhaven Shores subdivision, directly across Hobson Pike from the applicant’s parcel. The graphic shows both the amendment area requested by the applicant and the overall amendment area as expanded by staff.

Staff believes that the addition of Special Policy Language to support commercial development would be inappropriate at this time given the still undeveloped nature of the majority of the area. The adjacent properties (one of which is for sale) with commercial (CS) zoning are under multiple ownership and the CS zoning has been in place for many years, with no development action to date. Although it is prudent to acknowledge their existence and eventual development, their currently undeveloped nature reflects a lack of need for additional commercial property in the area. Nearby agriculturally- and residentially-zoned properties are more consistent with the existing policy and natural character of the corridor.

Staff held a community meeting to discuss the proposal on Wednesday, April 6 that was attended by approximately 20 people. Attendees expressed concerns about the appropriateness of commercial activity in this rural and residential area. They generally did not support changing the plan to reflect the existence of undeveloped commercially-zoned property out of concern that the “floodgates” to commercialization of Hobson Pike would be opened. In response to assurances by the councilman of utilizing a Planned Unit Development overlay for any rezoning on this property, several attendees were uncomfortable with the potentiality of how such an establishment might be re-used should the proposed boat sales operation fail.

Staff concurs with public sentiment regarding the inappropriate timing and siting of this establishment while it is currently surrounded by rural character, residential development, and undeveloped commercial property. Staff thus recommends disapproval of any Special Policy Language or other Plan Amendment that would favorably permit commercial zoning at this time.



Mr. Wallace presented and stated that staff recommends disapproval of the Antioch-Priest Lake Community Plan: 2003 Update.

Mr. Mark Turner, 4315 Thoroughbred Drive, spoke in support of the Antioch-Priest Lake Community Plan: 2003 Update.

Mr. Albert Bender, 5980 Mt. View Road, spoke in favor of disapproving 2003 Update.

A resident of 6147 Mt. View Road spoke in favor of disapproval of the proposal.

Councilman Bradley stated he held a community meeting regarding this update. He indicated that the community members were opposed to the update. He agreed with staff recommendation to disapprove.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove the Antioch-Priest Lake Community Plan: 2003 Update. **(9-0)**

Resolution No. RS2005-123

“BE IT RESOLVED by The Metropolitan Planning Commission that the Antioch-Priest Lake Community Plan: 2003 Update is DISAPPROVED. (9-0)”

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

1. **2005Z-006U-12**
Map 161, Parcel 108
Map 172, 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.

Staff Recommendation - *Disapprove as premature pending roadway improvements to widen Nolensville Road from project site to County line, and since there is underutilized commercially zoned property in the immediate area.*

APPLICANT REQUEST - Rezone a 10.76 acres from Agricultural/residential (AR2a) to Commercial Limited (CL) district at Nolensville Road (unnumbered), south of Swiss Avenue.

Existing 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. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

CL district: Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

SOUTHEAST COMMUNITY PLAN POLICY

Retail Concentration Super Community (RCS) Policy - Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also

appropriate. In addition, super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

Special Policy Area 3 - This site falls within Special Policy Area 3 of the Southeast Community Plan, which is within the Wittemore Branch drainage area, calling for a comprehensive stormwater study to be conducted to determine a comprehensive solution to the flooding problems in this area. The plan states: "...any rezonings should be contingent on stormwater management solutions proposed and undertaken by the applicants that improve the drainage situation over both the current situation and what would be accomplished simply by meeting current regulatory requirements."

Policy Conflict - No. The proposed CL district is consistent with the Southeast Community Plan's RCS policy calling for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment.

Staff Recommendation - Although the CL district is consistent with the Subarea Plan policy for this area, it is premature pending road improvements to widen Nolensville Pike from the property to the County line.

At the October 28, 2004, meeting, the Commission approved a request to rezone 43 acres on the parcels to the north after the applicant revised their application to CL from CS. The CL district would limit the uses to moderate commercial uses and would exclude the possibility of uses such as auto-repair, auto-sales, and mini-storage warehouse.

The Commission was also concerned about the street-connectivity issues from the existing residential stub-streets behind this site (Cedar Valley Drive, Cedarview Dr., and Cedar Hill Court). With the adoption of the new Southeast Community Plan policy for this area, the possibility of the residential street connections through commercial area is no longer practical. The large hill in this area, and a stream running through this area, also limits the potential connections between the commercial and residential area since there would be a significant grade difference between the commercial site and the residential behind it.

RECENT REZONINGS - Yes, the Planning Commission approved CL on October 28, 2004, for 43 acres to the north, with the Traffic Conditions outlined below.

TRAFFIC: PUBLIC WORKS'RECOMMENDATION

Roadway improvements

1. Reserve 1/2 of U 6 ROW (108 ft/2) and dedicate additional ROW for northbound right turn lane along Nolensville Rd property frontage and 2 additional through travel lanes in both directions.
2. Developer shall construct a 5 lane cross section on Nolensville Rd. from existing 5 lane cross section north of property to 500 ft south of southern project access driveway with transitions per AASHTO standards.
3. Provide cross access connection to northern property to connect with Old Hickory Blvd right in /right out driveway.
4. Developer shall provide adequate parking per code and driveway design shall allow adequate truck turns at access driveways and on site.
5. Outlots # 2 and #3 shall have 1 shared access driveway to Nolensville Rd.
6. Roadway plans for Nolensville must be approved by TDOT

At Swiss Ave/ Nolensville Rd. intersection

1. Developer shall modify the center turn lane to provide a dedicated Southbound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
2. Developer shall install a signal or modify any signal which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal and south driveway

signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will incorporate this signal into the Nolensville signal system.

3. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage. Developer shall install pavement markings for a left turn lane and a thru/right lane on Swiss Ave.

4. Developer shall construct a northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd at Swiss Ave.

At south driveway /Nolensville Rd intersection:

1. South access driveway shall be located approximately 900 ft south of Swiss Ave. Location will consider the driveway operations on opposite side of Nolensville Rd.

Developer shall submit traffic counts and signal warrant analysis to Metro Traffic Engineer for signal approval at this location.

2. Developer shall install a signal at south access driveway/Nolensville Rd if warranted. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with corridor signals. The developer shall submit signal plans to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system.

3. Developer shall install a dedicated southbound left turn lane with 150 feet of storage at south access driveway.

4. Developer shall construct 3 exit lanes, 2 left turn lanes with a minimum 180 ft of storage and 1 right turn with a minimum 230 ft storage, and 1 entering lane on the south access driveway. Driveway shall be designed to ensure adequate view of the signal heads.

5. Developer shall construct a northbound right turn lane with 100 ft of storage on Nolensville at south access with transition per AASHTO standards.

Barnes Rd and Nolensville Rd intersection:

1. Install striping for a 40 ft northbound left turn lane on Nolensville Rd at Celebration /Barnes intersection.

2. Developer shall construct a 105 ft westbound left turn lane with transition per AASHTO standards on Barnes Rd. at Nolensville Rd.

3. Submit revised signal plans for Metro Traffic Engineer approval.

4. Install pavement markings for a left turn lane and right/through lane on Celebration Way if adequate pavement width is available.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	10.76	0.5	5	71	13	8

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.76	0.249	116,708	5011	120	438

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
--				+4940	+107	+430

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	10.76	0.5	5	71	13	8

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.76	0.6	281,223	12075	289	1054

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
--				+ 12004	+276	+1046

CONDITIONS (If approved)

The traffic conditions listed under the Public Works' Recommendation should be included in the Council bill. Any new or changed conditions after the Planning Commission approval shall be included in the bill as well. **If the amended conditions are not made part of the Council bill, the recommendation is to disapprove.**

Mr. Leeman presented and stated that staff is recommending disapproval pending additional roadway improvements to widen Nolensville Road from project site to County line, and since there is underutilized commercially zoned property in the immediate area.

Mr. Al Dash, 1409 Timber Ridge Circle, spoke in opposition to the proposal.

Mr. Carl Harris, 1425 Timber Ridge Circle spoke in opposition to the proposal.

Ms. Renata Dash, 1409 Timber Ridge Circle, spoke in opposition to the proposal.

Mr. Russ Morris, applicant, spoke in support of the proposal.

Mr. Mike Cochrane, Gresham Smith & Partners, spoke in support of the proposal.

Mr. Tom White, Tune Entrekin & White, spoke in support of the proposal.

Mr. Ponder requested clarification on the requested road improvements and the improvements agreed upon by the developer.

Mr. Bernhardt explained to the Commission that the requested road improvements that were site related were addressed and agreed upon by the developer. He further explained the issue that the fundamental roadway network in this area was inadequate. Mr. Bernhardt then stated the reasons for the recommendation of disapproving this proposal.

Mr. Ponder acknowledged the issues associated with this proposal as explained by Mr. Bernhardt. He stated that the road widening issue should not be considered when rendering a decision on this proposal.

Mr. Tyler agreed that the zone change request met the subarea plan. However, he expressed issues with the fact that the area may not be ready for the proposal due to inadequate infrastructure of the area.

Ms. Cummings spoke of the issue of poor infrastructure and accountability.

Mr. Clifton spoke in favor of staff recommendation.

Mr. McLean acknowledged the road improvements agreed upon by the developer and spoke in favor of approving the proposal.

Ms. Nielson expressed issues with the poor infrastructure of the area and whether the developer should be held accountable.

Ms. Jones spoke of Councilman Toler's letter that was submitted to the Commission regarding this proposal.

Mr. Loring spoke in favor of approving the proposal.

Mr. Lawson acknowledged the various issues regarding this proposal. He spoke of the necessity of reviewing policies as the County continues to grow.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve Zone Change 2005Z-006U-12. **(7-2) No Votes – Clifton, Tyler**

Resolution No. RS2005-124

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-006U-12 is APPROVED WITH PUBLIC WORKS CONDITIONS (7-2)

Conditions of Approval:

Roadway improvements

1. Reserve 1/2 of U 6 ROW (108 ft/2) and dedicate additional ROW for northbound right turn lane along Nolensville Rd property frontage and 2 additional through travel lanes in both directions.
2. Developer shall construct a 5 lane cross section on Nolensville Rd. from existing 5 lane cross section north of property to 500 ft south of southern project access driveway with transitions per AASHTO standards.
3. Provide cross access connection to northern property to connect with Old Hickory Blvd right in /right out driveway.
4. Developer shall provide adequate parking per code and driveway design shall allow adequate truck turns at access driveways and on site.

5. Outlots # 2 and #3 shall have 1 shared access driveway to Nolensville Rd.
6. Roadway plans for Nolensville must be approved by TDOT

At Swiss Ave/ Nolensville Rd. intersection

1. Developer shall modify the center turn lane to provide a dedicated Southbound left turn lane with 100 ft storage on Nolensville at Swiss Ave intersection.
2. Developer shall install a signal or modify any signal which may have been installed at Swiss Ave/ Nolensville Rd. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with OHB/Nolensville signal and south driveway signal. The developer shall submit signal plans and warrant analysis to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will incorporate this signal into the Nolensville signal system.
3. The Driveway at this location opposite Swiss Ave shall include 1 right turn lane and 1 right/thru lane both with 225 ft storage length and 1 left turn lane with 175 ft of storage. Developer shall install pavement markings for a left turn lane and a thru/right lane on Swiss Ave.
4. Developer shall construct a northbound right turn lane with 150 ft of storage and transition per AASHTO standards on Nolensville Rd at Swiss Ave.

At south driveway /Nolensville Rd intersection:

1. South access driveway shall be located approximately 900 ft south of Swiss Ave. Location will consider the driveway operations on opposite side of Nolensville Rd.
2. Developer shall submit traffic counts and signal warrant analysis to Metro Traffic Engineer for signal approval at this location.
3. Developer shall install a signal at south access driveway/Nolensville Rd if warranted. This signal shall provide video detection for the supercenter driveway and loop detection or video detection for other approaches. Signal shall be interconnected and coordinated with corridor signals. The developer shall submit signal plans to Metro Traffic Engineer for approval. Pedestrian signals and associated ADA facilities shall be included in design. The developer will have a qualified engineer prepare signal timing that will fit this signal into the Nolensville signal system.
4. Developer shall install a dedicated southbound left turn lane with 150 feet of storage at south access driveway.
5. Developer shall construct 3 exit lanes, 2 left turn lanes with a minimum 180 ft of storage and 1 right turn with a minimum 230 ft storage, and 1 entering lane on the south access driveway. Driveway shall be designed to ensure adequate view of the signal heads.
6. Developer shall construct a northbound right turn lane with 100 ft of storage on Nolensville at south access with transition per AASHTO standards.

Barnes Rd and Nolensville Rd intersection:

1. Install striping for a 40 ft northbound left turn lane on Nolensville Rd at Celebration /Barnes intersection.
2. Developer shall construct a 105 ft westbound left turn lane with transition per AASHTO standards on Barnes Rd. at Nolensville Rd.
3. Submit revised signal plans for Metro Traffic Engineer approval.

4. Install pavement markings for a left turn lane and right/through lane on Celebration Way if adequate pavement width is available.

The traffic conditions listed under the Public Works' Recommendation should be included in the Council bill. Any new or changed conditions after the Planning Commission approval shall be included in the bill as well. **If the amended conditions are not made part of the Council bill, the recommendation is to disapprove.**

The proposed CL district is consistent with the Southeast Community Plan's Retail Concentration Super Community (RCS) policy, which calls for a wide range of commercial uses, including consumer services, restaurants, retail, and entertainment."

2. **2005Z-039U-11**
Map 133-01, Parcel 102
Subarea 11 (1999)
District 16 (McClendon)

A request to change from RS7.5 to CS district property located at 401 McIver Street (0.45 acres), on the west margin of Nolensville Pike, requested by Mark Janbakhsh, owner.

Staff Recommendation -Disapprove

APPLICANT REQUEST - Rezone a 0.45 acres from Residential single-family (RS7.5) to Commercial Service (CS) district at 401 McIver Street.

Existing 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.

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.

SUBAREA 11 PLAN POLICY

Residential Medium (RM) -RM policy is intended to accommodate 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 Yes. The proposed CS district is not consistent with the Subarea 11 Plan's RM policy calling for residential development. The Subarea 11 Plan discourages the encroachment of commercial zoning down residential side streets. "There are very few vacant lots in the area, and the most appropriate type of new development would be scattered site single-family infill.... There should be no further expansion of nonresidential uses into residential areas from Thompson Lane or Nolensville Pike." (page 58, Subarea 11 Plan—Updated 1999).

RECENT REZONINGS -Yes, the Planning Commission approved RS7.5 zoning at the end of 2003, as a part of a large area rezoning which changed most of the R districts to RS districts in Council district 16.

TRAFFIC: PUBLIC WORKS' RECOMMENDATION

1. Close driveway on Nolensville Pike and reconstruct sidewalk.

Typical Uses in Existing Zoning District: RS7.5

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)	0.45	4.94	2	19	2	2

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)	0.45	0.26	5,096	135	18	8

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
Convenience Market (852)	0.45	0.6	11,761	/	365	407

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
--					381	413

[Note: Item #2 and Item #3 were discussed by The Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

- 3. 2005P-009U-11**
 Auto Masters
 Map 133-01, Parcel 102, 103
 Subarea 11 (1999)
 District 16 (McClendon)

A request for preliminary approval for a Planned Unit Development district located at 3101 and 401 McIver Street (1.1 acres), classified CS and RS7.5 proposed for CS, to permit an existing 1,547 square foot used vehicular sales facility and for additional vehicular sales area and parking, requested by Dale & Associates and Mark Janbakhsh, owner.

Staff Recommendation -Disapprove

APPLICANT REQUEST -Preliminary PUD

Request to apply a new Planned Unit Development district at 3101 Nolensville Pike and 401 McIver Street, to permit an existing 1,547 square foot used vehicular sales facility and 25,375 square feet for outdoor sales area and parking.

PLAN DETAILS

The applicant proposes to use an adjacent parcel (Parcel 102) for additional sales area and parking for the existing 1,547 square foot vehicular sales facility along Nolensville Pike. The PUD plan includes the required 20 foot wide “C” landscape buffer between the CS zone district and the adjacent RS7.5 zoning.

The plan also proposes 110 parking spaces, where only 13 spaces are required by the Zoning Code. In the Urban Zoning Overlay, Vehicular Sales, Limited uses require one space for every 2,500 square feet of outdoor sales areas and 1 space for every 500 square feet of indoor sales area. The proposed PUD includes 25,375 square feet of outdoor sales area and 1,547 square feet of indoor area.

Staff Recommendation -Although the proposed expansion area (0.45 acres) includes a 20 foot wide Landscape Buffer Yard “C”, staff has indicated to the applicant that if a wider buffer area, with a minimum width of 40 feet, is provided, and if the total number of parking spaces is reduced significantly, staff might consider recommending approval of a PUD and OL zoning district on this property. The OL district would permit parking for customers, but would not permit parking for vehicles to be sold. This would eliminate the issue of overflow customers parking on McIver Street, while providing adequate on-site parking. The applicant indicated they want to proceed with the plan as submitted. Staff recommends disapproval because the proposed CS district is not consistent with the RM policy in the area, and because the proposed PUD plan does not go beyond what the zoning would require without a PUD.

TRAFFIC: PUBLIC WORK RECOMMENDATION

1. Approvals are subject to Public Works review and approval of construction plans submitted with their final PUD.
2. Show and dimension ROW along Nolensville Pike at property corners, consistent with the approved major street plan (U6-108' ROW). Show ROW reservation 54' from centerline.
3. Show and label ROW radius of corner returns at intersecting streets, in accordance with the Subdivision Regulations.
4. Dedicate additional ROW necessary to achieve a 30' minimum ROW on McIver Street from centerline to property boundary.
5. Confirm with Planning sidewalk requirements on McIver Street.. If required, show Metro ST-324 Driveway Ramp for access to site, Metro ST-200 Curb and gutter, and Metro ST-210 sidewalk.
6. Close existing driveway on Nolensville Pike and reconstruct sidewalk.

CONDITIONS (If Approved)

1. Revise plan to read as follows: “Sidewalks to be determined at building permit stage.”
2. Approvals are subject to Public Works review and approval of construction plans submitted with their final PUD.
3. Show and dimension ROW along Nolensville Pike at property corners, consistent with the approved major street plan (U6-108' ROW). Show ROW reservation 54' from centerline.
4. Show and label ROW radius of corner returns at intersecting streets, in accordance with the Subdivision Regulations.
5. Dedicate additional ROW necessary to achieve 30' minimum ROW on McIver Street from centerline to property boundary.
6. Confirm with Planning sidewalk requirements on McIver Street.. If required show Metro ST-324 Driveway Ramp for access to site, Metro ST-200 Curb and gutter, and Metro ST-210 sidewalk.
7. Close existing driveway on Nolensville and reconstruct sidewalk.

Mr. Leeman presented and stated that staff is recommending disapproval of Zone Change 2005Z-039U-11, as well as disapproval of Planned Unit Development 2005P-009U-11.

Ms. Michelle Bonner, 405 McIver, spoke in opposition to the proposal.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to disapprove Zone Change 2005Z-039U-11, as well as disapprove Planned Unit Development 2005P-009U-11. **(9-0)**

Resolution No. RS2005-125

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-039U-11 is **DISAPPROVED. (9-0)**

The proposed CS district is not consistent with the Subarea 11 Community Plan’s Residential Medium policy, which is intended for residential development at a density between four and nine homes per acre. The subarea plan also discourages the encroachment of commercial zoning down residential side streets, and calls for no further expansion of nonresidential uses into residential areas from Nolensville Pike.”

Resolution No. RS2005-126

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-009U-11 is **DISAPPROVED. (9-0)**

PRELIMINARY SUBDIVISION PLATS

4. **2005S-070G-03**
Whites Creek Manor
Map 040, Parcel 204
Subarea 3 (2003)
District 3 (Tucker)

A request for preliminary plan approval for 26 lots abutting the west margin of Whites Creek Pike, approximately 200 feet south of Knight Drive (9.97 acres), classified within the R15 District, requested by Richard Binkley, owner, William T. Smith, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Preliminary Plat

Request for preliminary plat approval to create 26 lots on the west side of Whites Creek Pike, south of Old Hickory Boulevard on 9.97 acres.

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.

SUBDIVISION DETAILS-This subdivision proposes 25 single-family lots and 1 commercial lot fronting onto Whites Creek Pike. The single-family lots range in size from 10,000 square feet to approximately 11,000 square feet using the cluster lot option. The plat proposes 1.60 acres of open space, which exceeds the 15% requirement of 1.5 acres.

The commercial lot (lot 26) is split between two zoning districts: CS and R15. The R15 portion may be requested for rezoning in the future so that the property line and the zoning line will line up.

There is a stub street proposed to the south that will provide future connectivity. Steep slopes to the west prevent the possibility of street connection along the western property line.

PUBLIC WORKS’ RECOMMENDATION

1. Approvals are subject to Public Works’ review and approval of construction plans.
2. Show and dimension ROW along Whites Creek Pike. Show ROW reservation (42’ from centerline), consistent with the approved major street plan (U4-84’ ROW).

3. Show and dimension horizontal radius of Hardy's Court curve. Show 110' minimum radius as per the Subdivision Regulations of the Metropolitan Planning Commission, latest revision.
4. At all circular turnarounds, show and dimension ROW to accommodate 30' edge of pavement minimum radius, curb and gutter, 4' grass area/furnishing zone, and 5' sidewalk per Metro ST-210.
5. Show curb ramps and returns per Metro ST-320 and ST-326/ST-327.
6. Provide cross-access for future commercial development to the adjacent commercial development.

CONDITION

Prior to final plat approval, approvals from Metro Public Works shall be obtained and revised plans shall be submitted.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Mr. Richard Binkley, owner, spoke in support of the proposal.

Ms. Tricia Wall, 2154 Shaw Road, spoke in opposition the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, to approve with conditions Preliminary Subdivision Plat 2005S-070G-03. **(8-1) No Vote - Loring**

Resolution No. RS2005-127

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-070G-03 is **APPROVED WITH CONDITIONS. (8-1)**

Conditions of Approval:

1. Approvals are subject to Public Works' review and approval of construction plans.
2. Show and dimension ROW along Whites Creek Pike. Show ROW reservation (42' from centerline), consistent with the approved major street plan (U4-84' ROW).
3. Show and dimension horizontal radius of Hardy's Court curve. Show 110' minimum radius as per the Subdivision Regulations of the Metropolitan Planning Commission, latest revision.
4. At all circular turnarounds, show and dimension ROW to accommodate 30' edge of pavement minimum radius, curb and gutter, 4' grass area/furnishing zone, and 5' sidewalk per Metro ST-210.
5. Show curb ramps and returns per Metro ST-320 and ST-326/ST-327.
6. Provide cross-access for future commercial development to the adjacent commercial development.
7. Prior to final plat approval, approvals from Metro Public Works shall be obtained and revised plans shall be submitted.”

FINAL PLATS

5. **2005S-024G-14**
Hadley's Bend City
Map 064-09, Parcel 020, 021
Subarea 14 (2004)
District 11 (Brown)

A request for final plat approval to create four lots abutting the northeast corner of Commerce Street and Main Street, (0.90 acres), classified within the R8 District, requested by Ozzie Winters, owner, C & K Surveying, surveyors.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Final Plat

Request for final plat approval to create 4 lots at the northeast corner of Commerce Street and Main Street.

ZONING

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

SUBDIVISION DETAILS

This subdivision proposes four lots fronting onto Main Street and Hermitage Street. The lot sizes range from 8,000 square feet to more than 15,000 square feet.

Sidewalks - Sidewalks are not required for this subdivision. The property is located outside of the Urban Services District (USD) and is not within an area where the Sidewalk Priority Index (SPI) is less than 20.

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 four lots pass for lot area. Lot 2 did not pass for lot frontage. The lot frontage yield is 54.3 and lot 2 proposes 50.15 as the lot frontage.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

CONDITION

1. Prior to recording, the following shall be revised in the plat:
2. Add parcel numbers and subdivision number on the plat.

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

Resolution No. RS2005-128

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-024G-14 is **APPROVED WITH CONDITIONS (9-0)**

Conditions of Approval:

1. Prior to recording, the following shall be revised in the plat:
2. Add parcel numbers and subdivision number on the plat.”

PLANNED UNIT DEVELOPMENTS

6. **97P-005U-11**
Bhomar PUD (Import Specialty Service)
Map 119-01, Parcel 496
Subarea 11 (1999)
District 16 (McClendon)

A request for final approval for the Commercial Planned Unit Development located at 375 Glenrose Avenue, at Hester Avenue, classified CS, (1.67 acres), to develop a 7,200 square foot, 8 bay, automotive repair facility, requested by Dale and Associates, for Bhomar, LLC, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Request for final approval of a commercial Planned Unit Development in the CS zoning district, located at 375 Glenrose Avenue, at Hester Avenue, to develop a 7,200 square foot, 8-bay, automotive repair facility.

PLAN DETAILS

Site Design & Access -The proposed PUD plan includes driveway access to Glenrose Avenue. The plan also includes a 10 foot wide "B" Landscape Buffer yard along the frontage of Glenrose Avenue and Hester Avenue with a 6-foot tall masonry wall. A 6 foot wrought iron fence is also shown along the western property limit.

Planning staff recommended disapproval of the preliminary PUD at the September 23, 2004, Commission meeting, based on the automotive repair use being inconsistent with the surrounding residential neighborhood. The Planning Commission and Metro Council subsequently approved the PUD with conditions. The preliminary PUD approved by Metro Council included conditions in addition to those recommended by the Commission. These additional conditions are set out below. The conditions in **bold print** have been included by the applicant in the final PUD plan:

1. No sales of vehicles or equipment will be permitted. Only sales of services and goods relating to the general service and repair of automobiles will be permitted.
2. No painting or body repair to any vehicle shall be allowed on the premises.
3. Fencing along the western property line only shall consist completely of vertical wrought iron fencing with or without intermittent brick or stone columns. A masonry wall with a minimum height of 6 feet and a maximum height of 8 feet, as required by the Zoning Code, will be required along the property lines facing residential property.
4. No barb razor wire shall be used on the premises. Metal projections may be used if they are the same color as the wrought iron metal fencing.
5. The only signage, other than informational signage, shall be along the outside of the Glenrose Ave. wall frontage and on the building, meeting Metro Code requirements. There shall be no more than 2 signs total with a maximum of 20 square feet each and no higher than 6' on the outside wall.
6. The wall along Hester Ave shall be uninterrupted. No entrances shall be made in the perimeter of the wall except along Glenrose Avenue where a single driveway access is located.
7. Low lux lighting shall be used and positioned so as not to shine into the residences on Glenrose and Hester Avenues.
8. No wrecked vehicles shall be allowed to sit on premises, nor any automotive parts that are not stored in the permanent building.
9. Dumpster shall be emptied between the hours of 7 a.m. and 7 p.m only.
10. Landscaping consisting of trees and bushes, as required by the Metro Zoning Code, shall be placed along the outside of the wall along Hester and Glenrose Avenues and maintained in a good condition.
11. A Final Landscaping plan shall be submitted as part of the Final PUD approval.
12. No vehicles belonging to customers or employees shall be parked along the perimeter of the business on Hester or Glenrose Ave. and through the adoption of this PUD, the owner agrees not to object to any placement of "No Parking" signs by Metro along those areas.
13. The property owner agrees that vehicles shall not be test driven at any time in the residential neighborhoods surrounding the premises. All test driving shall be done on Nolensville Pike and that section of Glenrose Ave from the entrance to the property and Nolensville Pike.

The applicant has complied with the conditions shown in bold print. All of the conditions, including those added at Council, shall be listed on the final PUD plan.

Sidewalk along Hester Avenue - There is an existing sidewalk along the property frontage on Glenrose Avenue. The sidewalk ends on Glenrose as it turns the corner to Hester Avenue. Under the Metro Code a sidewalk is required to be constructed along the frontage of Hester Avenue. The PUD plans must be revised to comply with this requirement.

Landscape buffer - A class "C" landscape buffer is required under the Code along the southern boundary of this PUD, because the PUD is within a CL district that abuts a R6 district. The PUD plans must be revised to comply with this requirement.

STORMWATER RECOMMENDATIONS: Returned for Corrections

1. Applicant must show easement around the pond on the final PUD plans. The easement around the pond shall be recorded either by plat or separate instrument.
2. Construction entrance detail to have not referencing appropriate section of Volume 4 of Metro Stormwater Management Manual.
3. BMP to have not referencing appropriate sections of "Volume 4 of Metro Stormwater Management Manual" not as "Metro Detail TCP-####."
4. Confirm the dimension and callout for width of the Right-of-way along Glenrose Road.
5. Incorporate spillway into the hydraflow calculations.
6. Calculations must at a minimum have the cover sheet stamped by a professional engineer.
7. Put the NPDES # on cover.
8. A TN Department of Conservation (TDEC) Construction General Permit Notice of Coverage number will be required before plans will be approved.

PUBLIC WORKS' RECOMMENDATIONS:

1. Show curb ramps and returns per Metro ST-320.
2. Show Detectable Warnings at Curb Returns per Metro ST-329/ST-330.
3. Show Metro ST-324 driveway ramp for access to site.
4. Remove abandoned access from Glenrose Avenue, and show sidewalk connectivity.
5. Show sidewalk along Hester Avenue, as required by Planning.

Traffic Comments:

1. Six foot wall shall be 10 feet from Right-of-way per 17.12.040 E. 26.

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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. 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.

4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Prior to the issuance of any building permits, all Public Works and Water Services conditions, listed above, shall be satisfied.
6. All of the conditions, including those added at Council, shall be listed on the final PUD plan.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2005-129

“BE IT RESOLVED by The Metropolitan Planning Commission that 97P-005U-11 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. No sales of vehicles or equipment will be permitted. Only sales of services and goods relating to the general service and repair of automobiles will be permitted.
2. No painting or body repair to any vehicle shall be allowed on the premises.
3. Fencing along the western property line only shall consist completely of vertical wrought iron fencing with or without intermittent brick or stone columns. A masonry wall with a minimum height of 6 feet and a maximum height of 8 feet, as required by the Zoning Code, will be required along the property lines facing residential property.
4. No barb razor wire shall be used on the premises. Metal projections may be used if they are the same color as the wrought iron metal fencing.
5. The only signage, other than informational signage, shall be along the outside of the Glenrose Ave. wall frontage and on the building, meeting Metro Code requirements. There shall be no more than 2 signs total with a maximum of 20 square feet each and no higher than 6’ on the outside wall.
6. The wall along Hester Ave shall be uninterrupted. No entrances shall be made in the perimeter of the wall except along Glenrose Avenue where a single driveway access is located.
7. Low lux lighting shall be used and positioned so as not to shine into the residences on Glenrose and Hester Avenues.
8. No wrecked vehicles shall be allowed to sit on premises, nor any automotive parts that are not stored in the permanent building.
9. Dumpster shall be emptied between the hours of 7 a.m. and 7 p.m only.
10. Landscaping consisting of trees and bushes, as required by the Metro Zoning Code, shall be placed along the outside of the wall along Hester and Glenrose Avenues and maintained in a good condition.
11. A Final Landscaping plan shall be submitted as part of the Final PUD approval.
12. No vehicles belonging to customers or employees shall be parked along the perimeter of the business on Hester or Glenrose Ave. and through the adoption of this PUD, the owner agrees not to object to any placement of “No Parking” signs by Metro along those areas.
13. The property owner agrees that vehicles shall not be test driven at any time in the residential neighborhoods surrounding the premises. All test driving shall be done on Nolensville Pike and that section of Glenrose Ave from the entrance to the property and Nolensville Pike.

14. Applicant must show easement around the pond on the final PUD plans. The easement around the pond shall be recorded either by plat or separate instrument.
15. Construction entrance detail to have not referencing appropriate section of Volume 4 of Metro Stormwater Management Manual.
16. BMP to have not referencing appropriate sections of "Volume 4 of Metro Stormwater Management Manual" not as "Metro Detail TCP-####."
17. Confirm the dimension and callout for width of the Right-of-way along Glenrose Road.
18. Incorporate spillway into the hydraflow calculations.
19. Calculations must at a minimum have the cover sheet stamped by a professional engineer.
20. Put the NPDES # on cover.
21. A TN Department of Conservation (TDEC) Construction General Permit Notice of Coverage number will be required before plans will be approved.
22. Show curb ramps and returns per Metro ST-320.
23. Show Detectable Warnings at Curb Returns per Metro ST-329/ST-330.
24. Show Metro ST-324 driveway ramp for access to site.
25. Remove abandoned access from Glenrose Avenue, and show sidewalk connectivity.
26. Show sidewalk along Hester Avenue, as required by Planning.
27. Six foot wall shall be 10 feet from Right-of-way per 17.12.040 E. 26.
28. 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 PublicWorks.
29. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
30. 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.
31. 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.
32. All of the conditions, including those added at Council, shall be listed on the final PUD plan."

**IX. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

7. **2004Z-139G-12**
Map 181, Parcel 44
Subarea 12 (2004)

District 31 (Toler)

A request to change from AR2a to RS5 district property at 6614 Nolensville Pk., approximately 140 feet south of Autumn Oaks Drive, (7.7 acres), requested by John Hays, applicant for Jesse M. Roland, owner.

Staff Recommendation - Approve RS5.

APPLICANT REQUEST - Rezone 7.7 acres from agricultural/residential (AR2a) to residential single-family (RS5) district at 6614 Nolensville Pike, approximately 140 feet south of Autumn Oaks Drive.

Existing 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. The AR2a district allows for approximately 4 homes currently on this site.

Proposed Zoning

RS5 district - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. The RS5 would allow for approximately 57 dwelling units.

SOUTHEAST COMMUNITY PLAN POLICY

Residential Medium (RM) -RM policy is intended to accommodate 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 -The proposed RS5 district is consistent with the Southeast Community Plan’s Residential Medium policy intended for residential development with a density of four to nine units per acre. The applicant originally filed a request for RM9 in December and the Commission recommended disapproval of RM9 and approval of RM6 in December 2004. The RM9 district was not considered to be appropriate on this property because of the adjacent single-family subdivision to the north and recently zoned RM9 to the south. The RM6 district was considered to be a transition between the single-family and higher density development to the south.

The RS5 district is appropriate at this location because it would serve as a transition between the single-family development to the north (Autumn Oaks) and the higher density development to the south (Legg Development PUD). The RS5 would allow a density that is between the density to the west and the developing density to the east and would only allow for single-family development, which is compatible with the adjacent Autumn Oaks subdivision.

RECENT REZONINGS - Parcel 049 to the southeast was rezoned from AR2a to SCC, RM9, and R15 in July 2004, by Metro Council, with a Planned Unit Development Overlay. The Commission recommended approval of the zone change (2004Z-057G-12) and approval with conditions of the PUD (2004P-013G-12) on May 13, 2004.

TRAFFIC -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: AR2a

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)	7.7	0.5	4	39	3	5

Typical Uses in Proposed Zoning District: RS5

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (230)	7.7	7.41	57	621	50	65

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
--				582	47	60

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-130

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-139G-12 is **APPROVED. (9-0)**

The proposed RS5 district is consistent with the Southeast Community Plan’s Residential Medium policy, which is intended for residential development at a density between four and nine homes per acre. The RS5 district would also serve as a transition between the single-family development to the north and the higher density development to the south.”

8. **2005Z-046T**
 Council Bill Number BL2005-572
 Elimination of Zoning Application Fee

An ordinance amending Section 17.40.740 of the Metro Zoning Code by eliminating application fees for certain zoning applications, sponsored by Councilmember Ludy Wallace.

Staff Recommendation - *Because this ordinance deals with a budgetary issue that is not within the Planning Commission's authority, staff recommends that the Commission take no official position on the bill. Staff notes, however, that an increase in applications would result in either a need for additional staff to process the applications within current schedules or an increasingly longer time to review applications with current staff levels.*

APPLICANT REQUEST - Amend Zoning Code to eliminate all application fees for rezonings, text amendments, planned unit developments, urban design overlays, neighborhood landmark overlays, etc.

ANALYSIS

Existing Law - The Zoning Code currently requires a fee for all zoning-related applications per Section 17.40.740. The fee defrays a portion of the staff cost to review the application and advertise the public hearing. Currently, Metro charges a fee for a change in the base zoning district, text amendments to the Metro Zoning Code, planned unit developments (PUDs), urban design overlay (UDOs) districts, institutional overlay districts, historical overlay districts, and neighborhood landmark overlay districts; see Attachment A.

While there are other overlay districts listed in the code for greenways, floodplain, I-440 impact areas, adult entertainment, and the airport, no special application is required and no fee is charged for projects within one of those overlays. That type of overlay is less of a change in zoning and more a recognition of an existing condition on the property.

Section 17.40.760 permits the planning commission to develop a fee schedule for the Metro Council's consideration for zoning-related applications, public hearing notices, and mandatory referrals.

Proposed Text Change - The proposed amendment (see below) would eliminate all application fees for all zone change and overlay district applications. It also would eliminate the Planning Commission's role of providing the Metro Council with a fee schedule for zoning-related applications.

The ordinance would eliminate fees for new applications as well as requests to revise, amend, or otherwise modify an existing PUD, UDO, or other overlay district. In addition, the amendment proposes no charge for large area rezonings initiated by the planning commission or Metro Council to implement the General Plan. This amendment cannot be analyzed, however, without also considering BL2005-573, which has been proposed by the same sponsor. That bill repeals Substitute Ordinance BL2004-409 which became effective February 25, 2005, and allows for the waiver of fees for certain rezoning requests initiated by members of Council.

The difference between the existing text and proposed text is shown in underline.

Amending Text Section 1. . . .

1. By deleting the provisions of Section 17.40.740 and substituting in lieu thereof the following new provisions:

Standardized fee schedules may be established to partially defray the processing and administration costs associated with each type of application associated with this title other than zone change requests and applications for planned unit development or overlay districts. A fee schedule established by this article shall be authorized by passage of a resolution by the council. All application fees shall be paid to the metropolitan government by the applicant at the time of filing. A fee structure established under authority of the preceding code and in effect upon the effective date of the ordinance codified in this title shall remain in effect until superseded by a fee structure established under authority of this title. Fees shall be waived for applications initiated by any federal or state agency, any department of the metropolitan government, or the metropolitan development and housing agency."

2. By amending Section 17.40.760 by deleting subsections A, B, and C. in their entirety and relettering subsections E. and F. accordingly.

Section 2. That Ordinance No. BL2004-262, as amended by Ordinance No. BL2004-300, be and the same is hereby amended by amending the attachment incorporated into Section 6 by deleting the fee for a Zone Change Request, Preliminary Planned Unit Development (PUD), Urban Design Overlay, and Zoning Regulation Text Amendment included in the "Metropolitan Government Fee Schedule for Zoning-related Applications.

Analysis

If application fees were eliminated for zoning-related items, then there would likely be an increase in the number of applications. Fewer applications have been submitted since the Metro Council adopted the new fee schedule in 2004. Persons merely speculating on the development potential of their property were unwilling to pay a minimum of \$800 to rezone their property.

A fee structure, at a minimum, sets apart a serious applicant from a speculator. Further, a fee structure ensures the public is not barraged by frivolous applications that can consume the public's time, energy, and interest. Likewise, it ensures the Metro Council as a whole, and in particular district councilmembers are less likely to receive meritless zoning-related requests.

Section 2 of the bill would remove the Planning Department's authority to develop a fee schedule for consideration by the Council for zoning-related ordinances. Removing the planning commission's ability to develop a fee schedule for Council's consideration is not significant. Fee schedules today are developed after careful analysis by

outside consulting firms hired by the Metro Finance Department. Such studies are performed with the assistance of the Planning Department. Therefore, the proposed modifications to Section 17.40.760 merely reflect the reality of how fees are developed by Metro today.

Note: There does appear to be an internal inconsistency between Section 1 and Section 2 of this bill. Section 1 sets forth essentially that there will be no fees for *any* zoning-related application despite using the modifier “certain zoning applications”. Section 2 though fails to repeal fees for *all* zoning-related applications (e.g. PUD and UDO cancellations, amendments, revisions, final site plans, and other overlay districts).

Staff Recommendation - Staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Whether or not to charge application fees is a matter of general budgetary policy to be determined by the Council. Should the Council decide to approve in whole or in part this bill, staff recommends that Section 17.40.760 be deleted in its entirety. All fees are evaluated as part of the Metro Finance Department’s fee studies, including public hearing notices and mandatory referrals.

ATTACHMENT A

Zone Change	Flat Fee up to 5 ac	next 6 - 100 ac	next 101 - 500 ac	Public Hearing Sign Fee
Rezone Property	\$800	\$10 per ac	\$5 per ac	\$27 per sign
Zoning Code Text Amendment	\$500			

PUD, Neighborhood Landmark, Neighborhood Conservation, & Institutional Overlay	Flat Fee up to 5 ac	next 6 - 100 ac	next 101 - 500 ac	next 501 ac +	Public Hearing Sign Fee
Administrative Final or Cancel	\$400	\$10 per ac	\$5 per ac	\$2.50 per ac	\$27 per sign for cancel PUD
New	\$800	\$40 per ac	\$20 per ac	\$10 per ac	\$27 per sign
Revised Preliminary PUD	\$600	\$30 per ac	\$15 per ac	\$7.50 per ac	\$27 per sign for amend PUD
Revise Preliminary & Final PUD	\$800	\$35 per ac	\$17.50 per ac	\$8.75 per ac	

Urban Design Overlay	Flat Fee up to 5 ac	next 6 - 100 ac	next 101 - 500 ac	next 501 ac +	Public Hearing Sign Fee
Administrative Final Site Plan or Cancel	\$400	\$10 per ac	\$5 per ac	\$2.50 per ac	\$27 per sign for cancel PUD
New	\$860	\$43 per ac	\$21.50 per ac	\$10.75 per ac	\$27 per sign
Preliminary Site Plan Amendment	\$600	\$30 per ac	\$15 per ac	\$7.50 per ac	\$27 per sign for amend PUD
Revise Preliminary & Final PUD	\$800	\$35 per ac	\$17.50 per ac	\$8.75 per ac	

Staff recommends that the Commission take no official position on the bill, (9-0) *Consent Agenda*

Resolution No. RS2005-131

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-046T is APPROVED STAFF RECOMMENDATION THAT THE COMMISSION TAKE NO OFFICIAL POSITION ON THE BILL. (9-0)”

9. **2005Z-047T**
Council Bill Number BL2005-573
Waiver of Zoning Application Fees

An ordinance amending Section 17.40.740 of the Metro Zoning Code by providing a waiver of application fees for certain zoning applications, sponsored by Councilmember Ludy Wallace.

Staff Recommendation *Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.*

APPLICANT REQUEST - Amend Zoning Code to eliminate the recently adopted provisions of Substitute Bill BL2004-409 pertaining to planning commission and Metro Council initiated rezonings.

ANALYSIS

Existing Law - On February 23, 2005, a recently adopted Substitute Bill, BL2004-409, became effective. That bill permitted the waiver of fees for Planning Commission initiated large area rezonings to implement the general plan and certain councilmember initiated rezonings.

Substitute Bill BL2004-409 provides the protocol for fee waivers. The standard fee is waived for any member(s) of the Metro Council who initiates a rezoning from a greater intensity residential use to a lesser intensity residential use (i.e. an "R" district to an "RS" district); or from an office, commercial, or industrial district (excluding mixed-use districts) to a residential or residential single-family district; or apply an urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district. The standard fee is also waived for any rezoning application initiated by the planning commission to implement the general plan.

Proposed Text Change - This proposed ordinance (see below) would repeal Substitute Bill BL2004-409.

Amending Text Bill BL2005-573 states the following:

That Substitute Ordinance No. BL2004-409, which amended of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, by amending Section 17.40.740 to provide for the waiver of application fees for certain zoning applications, be and the same is hereby repealed.

Analysis - If the Council adopts BL2005-572, which will eliminate all zoning fees, the repeal of Substitute Bill BL2004-409 would be merely a housekeeping matter. If no fees are to be charged for zoning-related applications, then the fee waiver protocol established by Substitute Bill BL2004-409 becomes irrelevant. If BL2005-572 is not adopted, however, then this bill would have the effect of requiring eliminating the ability of individual Councilmembers to file a zoning application without the payment of the standard fee.

Staff Recommendation - Staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Whether or not to charge application fees for applications initiated by the Council is a matter of Council policy.

Staff recommends that the Commission take no official position on the bill, (9-0) *Consent Agenda*

Resolution No. RS2005-132

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-047T is **APPROVED STAFF RECOMMENDATION THAT THE COMMISSION TAKE NO OFFICIAL POSITION ON THE BILL.** (9-0)”

10.

2005Z-048T

Council Bill Number BL2005-574
Calculation of Sign Area for Canopies

An ordinance amending Section 17.32.160 of the Metro Zoning Code regarding the calculation of sign area, height and placement on canopies, sponsored by Councilmember Tommy Bradley.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Amend Section 17.32.160 of the Zoning Regulations regarding the sign area, height, and placement of canopy signs.

ANALYSIS

Existing Law - Section 17.32.160 of the Metro Code sets out the mathematical computations (formulas) used to determine the maximum sign area, sign height, and sign placements. This bill specifically addresses Section 17.32.160.B.3, which concerns the computation of sign area for canopies that are either freestanding, or extend from a building, over a gasoline pump island, or kiosk.

The existing Code provision assumes these canopies have walls, and that these walls extend from the canopy roof to the ground. The direct effect of this computation is that these businesses achieve more total on-premise sign area. Assuming these canopies have walls, when they actually do not, increases the total façade area, thereby increasing the total allowable on-premise sign area.

Proposed Text Change - The ordinance (see below) would delete Section 17.32.160.B.3 in its entirety. If adopted, the façade area for canopies would still be used in determining total sign area, but it would no longer be assumed that these canopies have walls when calculating the permitted sign area..

Section 17.32.160.B.3 currently reads as follows:

When a canopy, either freestanding or extending from a building, extends over a kiosk or pump island it shall be assumed that the canopy has walls that extend to the ground for the purpose of calculating facade area to determine the allowable amount of on-premises building signage.

Amending Text Bill BL2005-574 states the following:

That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, be and the same is hereby amended by amending Section 17.32.160 by deleting subsection B.3. in its entirety.

Analysis - The proposed amendment would limit total on-premise sign area for businesses with canopies. Given the breadth of sign clutter within our urban and suburban landscape, the proposed amendment would positively improve Nashville’s visual appearance over time.

Staff Recommendation - Approve. This bill serves to improve Nashville’s urban and suburban streetscape by reducing the size and amount of signs for businesses with canopies. It would also reduce the visual and graphic clutter that diverts the attention of motorists and pedestrians, thereby improving overall public safety.

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-133

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-048T is **APPROVED. (9-0)**”

11.

2005Z-049G-06
Map 114, Parcel 107
Subarea 6 (2003)
District 22 (Crafton)

A request to change from R15 to RM4 district zoning at 7510 Sawyer Brown Road, approximately 300 feet south of Charlotte Pike (2.58 acres), requested by Mark Yarbrough, purchaser, for Steve Smith, executor of N. Freds estate, owner.

Staff Recommendation - *Disapprove due to inconsistency with established residential land use pattern along Sawyer Brown Road, and steep topography.*

APPLICANT REQUEST - Request to change 2.58 acres from residential single-family (R15) to multi-family (RM4) district zoning at 7510 Sawyer Brown Road, approximately 300 feet south of Charlotte Pike

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

RM4 zoning: RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

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 - The proposed RM4 district is consistent with highest density residential development permitted by RLM policy, at 4 dwelling units per acre, however, it is not consistent with the zoning pattern along Sawyer Brown Road. Rezoning this property would set a precedent, with no clear boundary to stop RM4 from extending further down the street. The applicant has indicated an intent to construct owner-occupied condominiums on this parcel, in conjunction with parcel 108 to the north.

Site access and land use pattern -Sawyer Brown Road is a two-lane Collector road with a semi-rural land use pattern. Its eastern side is dominated by single-family homes. The Metro Council and Planning Commission approved RM4 zoning on parcel 108, which fronts Charlotte Pike, a major arterial street. The parcel proposed to be rezoned is adjacent to parcel 108 but does not have frontage on Charlotte Pike.

Topography -The site has some moderately steep slopes along the eastern property line (20-25% and some 25% and above).

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION -Dedicate Right-of-way per Major Street Plan and allow future cross access to parcel 108.

Typical Uses in Existing Zoning District: R15

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)	2.58	2.47	6	79	14	9

Typical Uses in Proposed Zoning District: RM4

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	2.58	4	10	91	9	10

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
--				12	-5	1

Mr. Pereira presented and stated that staff is recommending disapproval due to inconsistency with established residential land use pattern along Sawyer Brown Road, and steep topography.

Mr. Jack Grizzard, 7543 Charlotte Pike, spoke in opposition to multi-family development.

A resident of 7480 Charlotte Pike, spoke in opposition to multi-family development.

Mr. Wayne Marlin, 416 Annex, spoke in opposition to the proposal.

Ms. Lavinda Butler, 7514 Sawyer Brown Road, spoke in opposition to multi-family development.

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to disapprove Zone Change 2005Z-049G-06. **(9-0)**

Resolution No. RS2005-134

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-049G-06 is **DISAPPROVED. (9-0)**

Though RM4 is at the higher end of the density allowed by the Bellevue Community Plan’s Residential Low Medium policy calling for two to four dwelling units per acre, it is not consistent with the established land use and zoning patterns along Sawyer Brown Road, and the rezoning would set a precedent with no clear boundary from extending RM4 zoning further down the street. In addition, the site has some moderately steep slopes along the eastern property line (20-25% and some 25% and above), which would not be consistent with higher density development.”

12. **2005Z-050U-03**
 Map 058, Parcel a portion of 137
 Subarea 3 (2003)
 District 1 (Gilmore)

A request to change from RS15 to CL district a portion of property at 4121 Clarksville Pike, approximately 325 feet north of Cedar Circle (0.5 acres), requested by Bob Hickman, agent, for Temple Baptist Church, Inc., owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 0.5 acres from residential single-family (RS15) to commercial-limited (CL) district on a portion of property at 4121 Clarksville Pike, approximately 325 feet east of Cedar Circle

Existing 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.

Proposed Zoning

CL zoning: 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.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

Community/Corridor Center -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.

Single Family Attached and Detached in Community Center -SFAD in CC policy was applied to this portion of parcel 137 in Amendment #1 of the Bordeaux/Whites Creek Community Plan. SFAD in CC is intended to fulfill the residential intent of the CC policy. This policy includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhouses). This parcel falls along the southern boundary of the Fairview Center Walkable Center Detailed Neighborhood Design Plan.

Policy Conflict Yes, however, the existing zoning along both sides of Clarksville Pike in this area is Commercial Limited. Although inconsistent with policy, the small extension of this existing zoning to complete this parcel (which is already zoned CL in its majority) will not have a negative impact on the largely residential land use and zoning to the west. No further extension of commercial zoning to the west should be permitted.

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS’ RECOMMENDATION

1. A TIS may be required at development.
2. Dedicate ROW per major street plan.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.5	2.47	1	10	1	1

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas/Service Station/Convenience Market (P.M. Peak) (945)	0.5	0.063	1,372		107	133

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
--				-	106	132

Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
()	0.5	2.47	1	10	1	1

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	0.5	0.10*	2,178	1608	146	115

* Adjusted as per use.

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
--				1598	145	114

Approved (9-0), *Consent Agenda*

Resolution No. RS2005-135

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-050U-03 is **APPROVED. (9-0)**

The proposed CL district is consistent with the Bordeaux/Whites Creek Community Plan’s Corridor Center policy, intended for dense, predominantly commercial areas along major thoroughfares. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. The rezoning is not consistent with the Single Family Attached and Detached in Community Center policy that also applies to this parcel, but given that the existing zoning along both sides of Clarksville Pike is CL, this small extension of the existing zoning to complete the parcel (already zoned CL in its majority) will not have a negative impact on the largely residential land use and zoning to the west.”

X. PRELIMINARY SUBDIVISION PLATS

- 13. **2005S-073G-04**
Twin Hills
Map 034-07, Parcel 057
Subarea 4 (1998)
District 10(Ryman)

A request for preliminary plan approval for 34 lots at the east terminus of Twin Hills Drive, approximately 1,800 feet east of Myatt Drive (18.51 acres), classified within the R20 District, requested by Coleman Lake Partners, owner, Batson & Associates, surveyor.

Staff Recommendation - *Approve with conditions, including approval with conditions of a variance for sidewalk construction on a portion of the southern margin of Val Marie Drive, and for cul-de-sac length. Plans must be submitted prior to the Commission meeting addressing staff comments.*

APPLICANT REQUEST

Preliminary Plat Request for preliminary plat approval to create 34 lots on 18.51 acres in a cluster lot development, located at the end of Twin Hills Drive, approximately 300 feet east of Shepard Hills Drive, with a variance request for the construction of sidewalks along a portion of the southern margin of Val Marie Drive, and a variance request for a longer cul-de-sac length.

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.

PLAN DETAILS

Cluster Lot Option The proposed plan utilizes the cluster lot option available in the Metro Zoning Code for areas with environmental constraints. The applicant is using the cluster lot option because of geotechnical stability issues involving the existing lake berm on the site, and to preserve mature trees. The plan proposes to utilize the bulk standards (setbacks, lot coverage, etc.) of the R20 district, and proposes lots between 10,000 square feet and 20,000 square feet. There are 7 proposed duplex units that are 20,000 square feet in size, resulting in a total of 41 dwelling units. The plat must be revised to clearly label the proposed duplex lots.

Open Space and Drainage Area The applicant proposes 31%, or 5.74 acres, of open space, which exceeds the minimum Code requirement of 15%. This open space includes an area first identified by the Stormwater Division as drainage area that reaches greater than 40 acres, specifically between Colman Lake and a pipe that goes under railroad tracks to the south of Val Marie Drive. After a site visit, Stormwater staff found no evidence of a wetland or a buffered channel in this area.

The applicant has confirmed that the existing topography drops off past the location of the presently designed cul-de-sac. The applicant has stated that the existing 100 year flood elevation is 430.5 and the current elevation of the affected area is approximately 415.0. Metro floodplain maps **do** recognize the presence of floodplain immediately to the south of this property, below a railroad, but **do not** recognize the existence of the alleged floodplain to the west and south of the proposed cul-de-sac. The Stormwater Department has verified the presence of floodplain by elevation (432 feet) to the south of Val Marie Drive.

Access and lot layout Access to this subdivision is from Twin Hills Drive. The applicant has not followed a request from Planning staff to stub the new road (Val Marie Drive) to the western edge of the plat, due to what are claimed as geotechnical stability issues and floodplain concerns that prevent connection. Based on those existing conditions identified by the applicant, staff questions the suitability of locating the westernmost lots on the northern side of Val Marie Drive. Based on the geotechnical and floodplain issues identified by the applicant, staff recommends the removal of the three westernmost lots on the north side of Val Marie Drive. The applicant may relocate those lots to the southern side of the street in the area that is above the floodplain elevation (432 feet). The plat must be revised to remove and/or relocate these three lots.

The applicant *has* complied with the staff's request for a stub street and temporary turnaround at the western edge of the site. This street will eventually connect with Cumberland Hills Drive to the northeast of this proposed subdivision.

Landscape buffers A 20 foot wide landscape buffer is shown along the northern border of this subdivision where it abuts standard R20 zoning. This buffer must be designated class "C", and shown as common open space. The landscape buffer yard is necessary because the lot sizes in this R20 cluster development are smaller than those in the standard R20 districts to the north. This buffer is not required, however, for lots that are 20,000 feet in size. There is no buffer shown between this subdivision and the development zoned RM9 to the north, as this is not required by

the Code. A 20 foot wide landscape buffer has also been shown along the northern border of this subdivision to the east of Twin Hills Drive, where it again abuts standard R20 zoning.

Sidewalk requirement As this new subdivision is within a base zone district that allows a minimum lot area of less than 20,000 square feet, sidewalks are required on both sides of the new street. Sidewalks have been shown on both sides of Val Marie Drive, except for a portion along its southern margin that fronts the open space and detention area

Sidewalk variance request The applicant has requested a sidewalk variance. The applicant has not demonstrated any physical or unique characteristics associated with the property, or shown any particular hardships beyond a mere inconvenience that would result from the requirement to construct a sidewalk along the southern margin of Val Marie Drive. Given that this side of the street has fewer lots that front upon it, however, staff recommends that the applicant be permitted to construct an alternative pedestrian trail meeting Metro Greenways standards as permitted by Subdivision Regulation 2-6.1 B.3.b., in the provided open space area. Staff recommends, therefore, that the Commission approve the request for a variance from sidewalk construction on the portion of Val Marie Drive that does not front lots, with the condition that an alternative trail be constructed.

Cul-de-sac length variance request Section 2-6.2.1 of the Subdivision Regulations requires maximum length of streets leading to turnarounds to be no longer than 750 feet in length. The applicant has requested a variance from this requirement because the proposed Val Marie Drive measures approximately 1,175 feet in length. The recommended condition above to remove or relocate the three westernmost lots along Val Marie Drive will allow the proposed cul-de-sac to be reduced by approximately 220 feet. Staff recommends that a variance be granted to allow a 955-foot cul-de-sac, with the condition that a mid-block roundabout or other device be added to mitigate the excessive length of the cul-de-sac.

PUBLIC WORKS RECOMMENDATION

1. The Val Marie Drive turnaround to the south of Twin Hills Drive appears to exceed the maximum allowable length of streets leading to turnarounds.

STORMWATER COMMENT AND RECOMMENDATION

Approved Except as Noted:

1. Add to general note # 2 that 47037C0141 G is the FEMA map number.
2. Stormwater maps initially indicated that the drainage area reaches greater than 40 acres near the water surface east of the proposed right-of-way and also in the area between Coleman Lake and the pipe going under the railroad tracks and a possible wetlands area labeled "Forested, semi-perm flooded". Mike Seremet visited the site on 2/17/05 and found no evidence of a wetland or a buffered channel.
3. The applicant is citing no floodplain on the property, which is true graphically, but there is floodplain by elevation on this property (432 feet). The applicant must alter the FEMA note and also show the 100-year floodplain by elevation on the plat.

CONDITIONS OF APPROVAL

1. Prior to final plat approval, the 20 foot landscape buffers designated along the northern portion of this subdivision must be designated as a class "C" buffer, and as common open space. Lot lines shall not cross or infringe into this buffer.
2. Prior to final plat approval, the purpose note shall be revised to include the total number of single-family lots and duplex lots proposed. The total number of duplex lots shall not exceed 25% of the total number of lots.
3. Prior to final plat approval, the three westernmost lots on the north side of Val Marie Drive shall be removed or relocated to the south side of Val Marie Drive into the area that is not floodplain by elevation.
4. A variance from sidewalk construction is recommended along the portion of Val Marie Drive that fronts

the subdivision open space, with the condition the applicant construct an alternative pedestrian trail meeting Metro Greenways standards as permitted by Subdivision Regulation 2-6.1 B.3.b., in the provided open space area.

5. Prior to final plat approval, a note stating that setbacks are determined by the bulk standards of the Metro Zoning Ordinance shall be placed on the plat. Note: R10-sized lots in a R20 cluster lot subdivision require the bulk setback standards of R10 zoning. R20-sized lots require the bulk setback standards of R20 zoning.
6. Staff recommends that a variance be granted to allow a cul-de-sac less than 955 feet, with the condition that a mid-block roundabout or other device be added to mitigate the excessive length of the cul-de-sac prior to final plat approval.
7. Prior to final plat approval, the applicant must comply with Stormwater conditions above.

Resolution No. RS2005-136

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-073G-04 is **APPROVED WITH CONDITIONS, including approval of an alternative footpath in lieu of a portion of the required sidewalk and a variance for cul-de-sac length. This approval also includes: Remove of condition #3 in the staff report and amend conditions #6 to read: A roundabout or other traffic calming device approved by Planning and Public Works must be included on the final plat, or the cul-de-sac must be shortened to 750 feet, which may result in a loss of lots. (9-0)**

Conditions of Approval:

1. The Val Marie Drive turnaround to the south of Twin Hills Drive appears to exceed the maximum allowable length of streets leading to turnarounds.
2. Add to general note # 2 that 47037C0141 G is the FEMA map number.
3. Stormwater maps initially indicated that the drainage area reaches greater than 40 acres near the water surface east of the proposed right-of-way and also in the area between Coleman Lake and the pipe going under the railroad tracks and a possible wetlands area labeled "Forested, semi-perm flooded". Mike Seremet visited the site on 2/17/05 and found no evidence of a wetland or a buffered channel.
4. The applicant is citing no floodplain on the property, which is true graphically, but there is floodplain by elevation on this property (432 feet). The applicant must alter the FEMA note and also show the 100-year floodplain by elevation on the plat.
5. Prior to final plat approval, the 20 foot landscape buffers designated along the northern portion of this subdivision must be designated as a class “C” buffer, and as common open space. Lot lines shall not cross or infringe into this buffer.
6. Prior to final plat approval, the purpose note shall be revised to include the total number of single-family lots and duplex lots proposed. The total number of duplex lots shall not exceed 25% of the total number of lots.
7. A roundabout or other traffic calming device approved by Planning and Public Works must be included on the final plat, or the cul-de-sac must be shortened to 750 feet, which may result in a loss of lots.
8. A variance from sidewalk construction is recommended along the portion of Val Marie Drive that fronts the subdivision open space, with the condition the applicant construct an alternative pedestrian trail meeting Metro Greenways standards as permitted by Subdivision Regulation 2-6.1 B.3.b., in the provided open space area.

9. Prior to final plat approval, a note stating that setbacks are determined by the bulk standards of the Metro Zoning Ordinance shall be placed on the plat. Note: R10-sized lots in a R20 cluster lot subdivision require the bulk setback standards of R10 zoning. R20-sized lots require the bulk setback standards of R20 zoning.
10. Staff recommends that a variance be granted to allow a cul-de-sac less than 955 feet, with the condition that a mid-block roundabout or other device be added to mitigate the excessive length of the cul-de-sac prior to final plat approval.
11. Prior to final plat approval, the applicant must comply with Stormwater conditions above.”

XI. FINAL PLATS

- 14. 2005S-077U-05**
 Fischer Subdivision
 Map 083-02, Parcel 318
 Subarea 5 (1994)
 District 6 (Jameson)

A request for final plat approval to create two lots abutting the west margin of Scott Avenue, approximately 300 feet north of Benjamin Street (0.58 acres), classified within the R6 Urban Zoning Overlay District, requested by Susan L. Fischer, owner, Jeff Leopard, surveyor.

Staff Recommendation - *Approve, including a lot width variance.*

APPLICANT REQUEST

Final Plat - This request is to create 2 lots on 0.58 acres on the west side of Scott Avenue, south of Greenwood Ave.

ZONING

R6 District 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

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 both lots pass for lot area, but fail for lot frontage. The lot frontage figure was 61.725 feet and lot 1 is proposed for 61 feet, while lot 2 is proposed for 50 feet.

Staff recommends approval of a lot comparability waiver. The proposed subdivision is consistent with the land use policy in this area, which is Residential Medium policy intended for four to nine units per acre.

Lot Width Variance - Section 2-4.2 (D) of the Subdivision Regulations states that the proposed lot width shall not be less than 25% of the average lot depth. The average lot depth for lot 2 is 218.05 feet, which requires lot width of 54.5 feet. Lot 2 is currently proposed at 50’.

Staff recommends approval of the variance. The width of lot 2 cannot be increased because of the existing house on lot 1.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Approved including a lot width variance (9-0), *Consent Agenda*

Resolution No. RS2005-137

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-077U-05 is **APPROVED, including a lot width variance and Lot Comparability waiver. (9-0)**”

15. **2005S-080G-04**
Fillmore Place
Map 042-08, Parcel 18
Subarea 4 (1998)
District 4 (Craddock)

A request for final plat approval to create 6 lots abutting the north margin of Nesbitt Lane, approximately 235 feet east of Grayland Drive (2.98 acres), classified within the R10 District, requested by Cloister Investments II, LLC, owner, Tommy E. Walker, surveyor.

Staff Recommendation - Approve, including a lot comparability waiver.

APPLICANT REQUEST - Final Plat

This request is to create 6 single-family lots on 2.98 acres on the north side of Nesbitt Lane, east of Grayland Drive.

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.

SUBDIVISION DETAILS - A preliminary plat was conditionally approved on March 20, 1997. That approval expired two years later. Since no new street is being proposed, a preliminary plat is not required. A final plat was also approved by the Commission in August 2003, and that approval has also expired.

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. The minimum lot area required is 26,430 square feet and the lot frontage required is 101.6. The proposed lot areas range from 15,000 square feet to 29,000 square feet. Five of the six lots do not pass the lot comparability test for lot area.

Staff Recommendation - Staff recommends approval of a lot comparability waiver and the subdivision. This property was previously approved as a preliminary plat and a final plat and lot comparability was previously approved with the approval of both the preliminary and final plats. The adjacent lots and lots across from the site along Nesbitt Lane are comparable in size and frontage. The proposed subdivision is also consistent with the land use policy in this area, which is Residential Medium policy intended for four to nine units per acre.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Approved including lot comparability waiver **(9-0)**, *Consent Agenda*

Resolution No. RS2005-138

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-080G-04 is **APPROVED, including a Lot Comparability waiver. (9-0)**”

16. **2005S-085U-10**
Caldwell Square
Map 118-14, Parcel 044
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to create 3 lots abutting the northwest corner of Caldwell Lane and Caldwell Court (1.33 acres), classified within the R10 District, requested by Stephen T. Church, owner, Dale & Associates, surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Final Plat

This request is to create 3 lots on 1.33 acres on the corner of Caldwell Lane and Caldwell Court.

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.

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 for both lots along Caldwell Court and the one proposed lot along Caldwell Lane. The proposed lots along Caldwell Court passed for both lot area and lot frontage. The lot at the corner of Caldwell Lane and Caldwell Court failed for lot area. The minimum lot size for lot 3 should be 26,218 square feet. The proposed lot size for lot 3 is 23, 087 square feet.

Staff does not recommend approval of a lot comparability waiver. The land use policy along Caldwell lane is Residential Low policy intended for one to two dwelling units per acre. Under the Subdivision Regulation, it is up to the discretion of the Commission whether waiver of lot comparability is granted. Staff recommend that the Commission not allow the waiver of comparability for Lot 3 because although the proposed subdivision is consistent with the policy, it would not be consistent with the development pattern along Caldwell Lane.

Lot Frontage Lot 2 is proposed to keep the existing house, however, the house currently faces Caldwell Lane. With the subdivision of this property, the side of the house would face Caldwell Court, which may require a variance from the BZA unless the existing house is remodeled to provide a front door facing Caldwell Court.

Staff Recommendation Staff recommends disapproval of the proposed three lot subdivision. The creation of a third lot on Caldwell Lane creates a lot with an existing house where the side would become the façade along Caldwell Court. Staff would recommend approval of a two lot subdivision, which would eliminate the need for a lot comparability waiver and would create a lot with a better relationship to the existing development along Caldwell Lane.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

Ms. Harris presented and stated that staff is recommending disapproval of the three lot subdivision, but approval of the two lot subdivision.

Mr. Don Heim, 935 Caldwell Lane, spoke in opposition to the three lot subdivision.

Mr. Mitchell Barnett, 934 Caldwell Lane spoke in opposition to the three lot subdivision.

Mr. Brian Church, applicant, spoke in support of the proposal. He presented additional information to the Commission.

Ms. Marky Pace, 932 Caldwell Lane, spoke in opposition to the proposal.

Mr. Roy Dale, engineer, spoke in support of the proposal.

Ms. Kathy Burge, 933 Caldwell Lane, spoke in opposition to the proposal.

Ms. Patricia Heim, 935 Caldwell Lane, spoke in opposition to the proposal.

Mr. Tom Goetz, 3610 Caldwell Court, spoke in opposition to the proposal.

Ms. Ann Webby, 936 Caldwell Lane, spoke in opposition to the proposal.

Mr. David Burge, 933 Caldwell Lane, spoke in opposition to the proposal.

Ms. April Ayden, 1020 Belvidere Drive, spoke in opposition to the proposal.

Mr. Lawson requested additional information on the lot comparability report submitted for this proposal.

Mr. Bernhardt explained the lot comparability report to the Commission.

Mr. Loring spoke in support of staff recommendation.

Ms. Jones spoke in support of a two lot subdivision and stated she would support staff recommendation.

Ms. Nielson agreed with the two lot subdivision.

Mr. McLean requested additional information regarding the development.

Mr. Clifton spoke in support of staff’s analysis and recommendation.

Ms. Cummings spoke in support of the two lot subdivision.

Mr. Ponder moved and Ms. Jones seconded the motion which passed unanimously to disapprove the three lot subdivision of Final Plat 2005S-085U-10, but to approve with conditions the two lot subdivision that combines the proposed lots 2 and 3 as one lot, and the proposed lot 1 as a second lot. **(9-0)**

Resolution No. RS2005-139

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-085U-10 is **DISAPPROVED the 3 lot subdivision, but APPROVED WITH CONDITIONS a 2 lot subdivision that combines the proposed lots 2 and 3 as one lot, and the proposed lot 1 as a second lot. (9-0)**”

XII. PLANNED UNIT DEVELOPMENTS (revisions)

- 17. 103-79-G-14**
 Riverfront Shopping Center (Dollar General) (Hickory Centre)
 Map 53, Parcel part of 42
 Subarea 14 (2004)
 District 11 (Brown)

A request for final approval for a portion of a commercial Planned Unit Development district located along the south side of Robinson Road, classified R10, (3 Acres), to permit the extension of infrastructure, as well as, grading to a remaining portion of undeveloped property, requested by Wastewater Engineers for Old Hickory Centre, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 103-79-G-14 to April 28, 2005 at the request of the applicant. (9-0)

- 18. 99-85P-14**
 Briley Corners
 Map 95-03, Parcel 23, part of 128
 Subarea 14 (2004)
 District 15 (Loring)

A request to revise the preliminary and for final approval for a portion of the Commercial Planned Unit Development district located along the south side of Lebanon Pike at Craigmeade Drive, classified OL, (18.9 Acres), to add 225 additional parking spaces for the existing office building, requested by Littlejohn Engineering Associates, for Boyle Craigmead, LP/Boyle Investments Company, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 99-85P-14 to April 28, 2005 at the request of the applicant. (9-0)

- 19. **2004P-024G-12**
 Christiansted Valley
 Map 172, Parcel 150,154
 Subarea 12 (2004)
 District 31 (Toler)

A request for final approval for a residential Planned Unit Development located on the eastern terminus of Christiansted Lane, and Palomar Court, classified RS15, (20 Acres), to permit 49 single-family lots requested by Lose and Associates for Turnberry Homes, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2004P-024G-12 to April 28, 2005 at the request of the applicant. (9-0)

- 20. **2005P-007U-08**
 John Henry Hale Homes
 Map 92-8, Parcel 160
 Subarea 8 (2002)
 District 19 (Wallace)

A request to revise the preliminary for a residential Planned Unit Development located on the southeast corner of Jo Johnston Avenue and 17th Avenue North, classified R6 and RM9, (31.75 Acres), to permit the construction of 228 multi-family units, including a community building and management office, replacing 498 existing units, requested by Barge, Waggoner, Cannon and Sumner, Inc. for MDHA owner.

Staff Recommendation -Approve with conditions

APPLICANT REQUEST -Preliminary PUD

A request to revise the preliminary for a residential Planned Unit Development located on the southeast corner of Jo Johnston Avenue and 17th Avenue North, classified R6 and RM9, (31.75 Acres), to permit the construction of 228 multi-family units, including a community building and management office, replacing 498 existing units.

PLAN DETAILS

This request is part of a Hope IV grant to redevelop the John Henry Hale housing development. The design for redevelopment includes a reconfigured street pattern that will integrate it into the existing neighborhood street pattern. This plan will bring the property in conformance with the overall spirit of the Watkins Park Neighborhood Design Plan, which specifically recommended for this property a reduction in density to 9 dwelling units per acre and rearranging of the street network. The density is proposed to be lowered from the existing 15.7 units per acre to 9 units per acre. This plan proposes a mix of townhouses, one and two-family dwellings ranging is size from 1 to 4 bedrooms. The existing community center and management building will be remodeled and enlarged.

METRO PUBLIC WORKS’ RECOMMENDATION -Public Works' comments are as follows:

The traffic signal study has been reviewed and the following conditions shall be required for project approval:

- 1. 16th Avenue shall be designed to include a left turn lane with a minimum 75 ft of left turn storage and transition per AASHTO standards.
- 2. At the intersection of Charlotte Avenue/16th Avenue and McMillin Street the developer shall submit signal plan for approval and install a traffic signal at Charlotte/16th/McMillin St. intersection. Signal interconnect with adjacent

signals in the corridor shall be provided. Up-grade existing pedestrian signals and provide associated ADA facilities.

3. The developer shall modify the existing signals at Charlotte Avenue/17th Avenue and 17th Avenue/Jo Johnston Avenue to include pedestrian signals and shall provide associated ADA facilities. The developer shall submit signal plans to Metro Traffic Engineer for approval.

4. It has been determined that a roadway connection between 16th and the Interstate 40 ramps will not function appropriately. Therefore, no roadway connection to Charlotte Avenue will be allowed in the vicinity of 14th Avenue as shown on the site plan. It is suggested that a pedestrian and bike connection be considered in this vicinity.

Preliminary PUD Site plan comments

On sheet C1.00 and C 2.00

1. Show 2 approach lanes on 16th with a Southbound left turn lane and a minimum 75 ft of storage length at Charlotte Avenue.
2. Provide adequate corner radii for SU-30 truck turning movements. Identify location of stop signs and stop bars.
4. No marked crosswalks will be allowed at unsignalized intersections.
5. Driveways on 17th Avenue and 16th Avenue shall be located a minimum of 185 ft from Charlotte Avenue and located to minimize conflict with traffic queues from Charlotte Avenue on 16th Avenue and 17th Avenue.

Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.

1. Show and dimension ROW along Jo Johnston Avenue.
2. Show and dimension ROW along Charlotte Pike.
3. Label all streets as public or private. Show all road names.
4. Identify street cross-section. Show ST-252: Residential - Medium Density Minor Local Street for 50' right of way.

CONDITIONS:

- 1) All Public Works Conditions as listed above, except as follows:
 - a) A roadway connection in the vicinity of 14th Ave., North, as shown on the site plan, shall be allowed with the condition that it be designated as right-in, right-out only, with a curb or median in the center of Charlotte Avenue to prevent left turning motions at the intersection.

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.

- 2) 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.

Resolution No. RS2005-140

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-007U-08 is **APPROVED WITH CONDITIONS, including a revised condition #1 which will read: “All Public Works Conditions as listed in the staff report, except as follows: a) A roadway connection in the vicinity of 14th Ave. North, as shown on the site plan, shall be allowed with the condition that it be designated as right-in, right-out only. (9-0)**

Conditions of Approval:

1. A roadway connection in the vicinity of 14th Ave. North, as shown on the site plan, shall be allowed with the condition that it be designated as right-in, right-out only.
2. At the intersection of Charlotte Avenue/16th Avenue and McMillin Street the developer shall submit signal plan for approval and install a traffic signal at Charlotte/16th/McMillin St. intersection. Signal interconnect with adjacent signals in the corridor shall be provided. Up-grade existing pedestrian signals and provide associated ADA facilities.
3. The developer shall modify the existing signals at Charlotte Avenue/17th Avenue and 17th Avenue/Jo Johnston Avenue to include pedestrian signals and shall provide associated ADA facilities. The developer shall submit signal plans to Metro Traffic Engineer for approval.
4. It has been determined that a roadway connection between 16th and the Interstate 40 ramps will not function appropriately. Therefore, no roadway connection to Charlotte Avenue will be allowed in the vicinity of 14th Avenue as shown on the site plan. It is suggested that a pedestrian and bike connection be considered in this vicinity.

Preliminary PUD Site plan comments

On sheet C1.00 and C 2.00

1. Show 2 approach lanes on 16th with a Southbound left turn lane and a minimum 75 ft of storage length at Charlotte Avenue.
2. Provide adequate corner radii for SU-30 truck turning movements. Identify location of stop signs and stop bars.
3. No marked crosswalks will be allowed at unsignalized intersections.
4. Driveways on 17th Avenue and 16th Avenue shall be located a minimum of 185 ft from Charlotte Avenue and located to minimize conflict with traffic queues from Charlotte Avenue on 16th Avenue and 17th Avenue.

Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.

1. Show and dimension ROW along Jo Johnston Avenue.
2. Show and dimension ROW along Charlotte Pike.
3. Label all streets as public or private. Show all road names.
4. Identify street cross-section. Show ST-252: Residential - Medium Density Minor Local Street for 50' right of way.
5. 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.
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.”

XIII. OTHER BUSINESS

21. Recommended 2005-06 Capital Improvements Budget

Approved (9-0), Consent Agenda

22. Executive Director Reports

23. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 5:43 p.m.



Chairman

Secretary