



**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 28, 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
Councilmember J.B. Loring
Phil Ponder, representing Mayor Bill Purcell

Staff Present:

Rick Bernhardt, Executive 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
Keith Covington, Planner Manager II

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. Small seconded the motion, which passed unanimously to approve the Agenda as presented. (10-0)

III. APPROVAL OF APRIL 14, 2005 MINUTES

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the April 14, 2005 minutes. (10-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Bradley spoke in favor of Item #6 – 2004Z-005T. He stated that the ordinance will assist in improving the natural canopy for the City of Nashville.

Councilmember McClendon spoke in favor of Item #10 – 2005Z-051T.

Councilmember Foster spoke in favor of Item #9 – 2005Z-025U-12. He stated that he has spoke to members of his community regarding this proposal and has found that many are in favor of it. He also spoke in favor of Item #11 2005Z-052U-12. He mentioned there were some concerns regarding the development and additional flooding near Seven Mile Creek. Councilmember Foster stated that he has spoke to the Metro Stormwater Division and was assured that any proposed development for this area would be subject to the already existing Stormwater regulations which would eliminate any additional flooding for the area.

Councilmember Atkins spoke in favor of Item #6 – 2004Z-005T. He also mentioned that he would reserve his comments for Item #9 – 2005Z-025U-12 until after the proposal is presented.

Councilmember Jamison spoke in favor of Item #6 – 2004Z-005T.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- VII. BELLEVUE COMMUNITY PLAN: 2003 UPDATE – deferred indefinitely at the request of the applicant.
2. 2005S-051G-06 Avondale Park - A request for preliminary approval to create 564 lots on the south margin I-40 east -- deferred to May 12, 2005 at the request of the applicant
 3. 103-79-G-14 Riverfront Shopping Center (Dollar General) (Old Hickory Centre) - A request for final approval for a portion of a commercial Planned Unit Development district located along the south side of Robinson Road, to permit the extension of infrastructure, as well as, grading to a remaining portion of undeveloped property -- deferred to May 12, 2005 at the request of the applicant
 5. 2004P-024G-12 Christiansted Valley - A request for final approval for a residential Planned Unit Development located on the eastern terminus of Christiansted Lane, and Palomar Court, to permit 49 single-family -- deferred to May 12, 2005 at the request of the applicant
 16. 2005S-095G-12 Mt. Pisgah Hills – A request for preliminary approval for 5 lots abutting the north margin of Mt. Pisgah Road at the northern terminus of Bryce Road, with a variance request for sidewalks (2.06 acres), classified within the RS10 District. – deferred to May 12, 2005 at the request of the applicant.
 20. 122-83-U-12 The Woodlands, Phase 1B, 2 & 3 - A request for final approval for a residential Planned Unit Development located at the southern terminus of Woodlands Avenue, to permit 112 single-family lots – Deferred indefinitely at the request of the applicant
 23. 2004P-021U-12 Presidents Reserve at Brentwood PUD - A request to revise the preliminary and for final approval for a Planned Unit Development district located along the south side of Old Hickory Boulevard, and the east side of Cloverland Drive, to permit 16 condominium units and 12,960 square feet of office uses - - deferred to May 12, 2005 at the request of the applicant

Ms. Nielson moved and Ms. Jones seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items. **(10-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

PLANNED UNIT DEVELOPMENTS

4. 99-85P-14 Briley Corners - 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 to add 225 additional parking spaces for the existing office building - Approve w/conditions

PUBLIC HEARING: ZONING MAP AMENDMENTS

- 6. 2005Z-005T A council bill to amend various sections of the Zoning Code relative to requiring the undergrounding of utilities whenever a residential subdivision proposes a new public or private street -Approve
- 7. 2004Z-011T A council bill to amend Section 17.40.120 of the Zoning Code requiring that all planned unit developments inactive for more than six years be submitted to the Metro Council for approval prior to the issuance of any building or grading permit - Approve
- 10. 2005Z-051T A council bill to amend Sections 17.04.060 and 17.08.030 to create a definition for "animal hospital" and to allow animal hospitals in the IWD and IR zoning districts - Approve
- 11. 2005Z-052U-12 Change from R10 to OL district property located at 5433 Edmondson Pike Approve with conditions, including that on the consolidation plat, the applicant extend the existing cross access on parcel 229 across this property, as well as provide an ingress/egress easement to the rear of this property.
- 12. 2005Z-053U-08 Change from R6 to CS district a portion of property located at 1800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and Dr. D.B. Todd, Jr. Boulevard (0.08 acres) -Disapprove CS, but Approve OR20
- 14. 2005Z-057T A council bill amending various sections of the Zoning Code relative to permitting the rebuilding of any non-conforming, single-family dwelling located in a non-residential zoning district if damaged or destroyed involuntarily - Approve
- 18. 2005S-048U-08 Hallmark at Fisk – A request for final plat approval to create 2 lots abutting the east margin of 17th Avenue North - Approve w/conditions, including a variance for lot frontage and stormwater technical review comments are fully addressed

PLANNED UNIT DEVELOPMENTS (revisions)

- 21. 310-84-G-03 Hemphill Brothers Coach- A request to cancel the Commercial (General) PUD located abutting the north margin of Old Hickory Boulevard for the development of a 14,400 square foot motor coach conversion shop. -Approve w/conditions
- 22. 60-86-P-14 Northlake Village - A request to revise the preliminary and for final approval for a Commercial Planned Unit Development district located along the east side of Old Hickory Boulevard, to permit an 4,305 square foot bank, a 6,097 square foot restaurant, and 3,600 of new retail space replacing an existing restaurant in the existing shopping center, which includes 164,528 square feet of floor area - Approve w/ conditions

OTHER BUSINESS

- 24. Contract renewal for Cynthia Wood and new contract for Leslie Thompson - Approve

Ms. Nielson moved and Mr. McLean seconded the motion which passed unanimously to approve the Consent Agenda as presented. (10-0)

VII. BELLEVUE COMMUNITY PLAN: 2003 UPDATE

The Metropolitan Planning Commission DEFERRED the Bellevue Community Plan: 2003 Update indefinitely, at the request of the applicant. (10-0)

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

- 1. 2002Z-040U-10**
Council Bill BL2005-555
Map 104-12, Various Parcels
Map 104-16, Various Parcels
Map 105-09, Various Parcels
Subarea 10 (1994)
District 18 (Hausser)

A request to apply an Institutional Overlay (IO) district on various properties along Belmont Boulevard, Acklen Avenue, Compton Avenue, Delmar Avenue, Bernard Avenue, Wedgewood Avenue, and Ashwood Avenue (74.95 acres), requested by Alfred Raby of RM Plan Group, Inc., applicant, for Belmont College and Belmont Heights Baptist Church, and Councilmember Ginger Hausser.

Staff Recommendation - *Approve, with conditions*

APPLICANT REQUEST- Apply Institutional Overlay (IO) district to 106 parcels on 74.95 acres between 18th Avenue South, Belmont Boulevard, Wedgewood and 12th Avenue South, including parcels located along Acklen, Bernard, Compton, Delmar, Ashwood and Caldwell Avenues.

Proposed Zoning

IO district - The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

SUBAREA 10 PLAN Policy

Residential Medium Policy (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.

Residential High Policy (RH) - RH policy is intended for new and existing residential development with densities above twenty dwelling units per acre. Any multi-family housing type is generally appropriate to achieve this density. The most common residential type will generally be mid or high-rise structures.

Policy Conflict - No. The IO district is intended for areas designated as residential by the General Plan.

PLAN DETAILS - The plan for the 75-acre campus includes approximately 2.4 million square feet of new floor

area, new parking areas, as well as the approximate 1.92 million square feet of the existing campus. The plan establishes activities, design standards, setback standards, and height standards by activity zone. It includes a plan of proposed development sites as well as proposed development capacity by zone. It establishes proposed parking as well as open space, buffering, screening, and lighting standards. The plan also establishes a phasing schedule.

Activity Zones - The campus is divided into five Activity Zones. They are:

1) Wedgewood and Magnolia Avenues Grand Entry Zone. The plan states: “The location and design of activities is intended to create a primary entrance for the campus in conjunction with 15th Avenue and Magnolia/Acklen Avenues.”

2) Academic Core Zone. The plan states: “Activities and their related design are complementary with the historic mall in creating pedestrian-oriented green spaces connecting the buildings associated within the zone. The ends of the greenspaces are anchored by architectural focal points in creating a sense of a mall.”

3) Belmont Boulevard Arts and Entertainment Zone. The plan states: “Activities and their related design are complementary with the existing neighborhood commercial in creating a sense of a “village.””

4) South Campus Mixed Use Zone. The plan states: “Activities and their related design comprise an area of mixed activities that are shaped and accessed by the multiple public streets associated with the zone.”

5) Residential Campus Zone. The plan states: “Activities and their related design are intended to provide a planned residential area.”

Setback Requirements - Setbacks are proposed to be measured from the property lines. The plan states: “It is the intent of these (activity) zones to address the specific context of the adjoining neighborhoods while providing a unified sense of place and appearance for the overall campus.” In some instances, such as the Arts and Entertainment Zone, the intent of building placement is to create a “village” feel. In other instances, such as the South Campus Mixed Use Zone, the intent of building placement along Ashwood is to match the placement of non-university buildings across the street.

Height Requirements - Heights at the building setback are established for each activity zone by the number of stories.

Proposed Development Sites - The master plan establishes 16 proposed development sites according to activity zone.

Proposed Development Capacity - The master plan establishes the maximum proposed building area per activity zone. The Proposed Development Capacity Per Activity Zone table establishes existing building area, building area to be demolished and proposed building area.

Parking- Parking for proposed development will be provided according to a ratio of spaces to user type. Structured parking is the preferred means of providing additional parking; however, parking lots may be used as long as they are screened from public view. Parking lots with 10 or less spaces may be located to the side of structures. Parking lots with greater than 10 spaces are to be located within the interior of the campus and not at its perimeter.

Staff comment: On-street parking along 15th Avenue shall be monitored as development occurs within the overlay. Because the plan proposes additional on site parking as development occurs, it is anticipated that the current parking concerns along 15th Avenue may be diminished.

Vehicular Access and Circulation - The master plan establishes major and minor vehicular access and circulation to the campus. The major access points are 15th Avenue South (off Wedgewood), Delmar Street, Compton Avenue, and Acklen Avenue (off 15th).

Buffering and Screening- Proposed development will include landscape buffers as designated in the plan or as required by the Zoning Ordinance. Buffering and screening is required where “a university-related use, other than single family residential, is adjacent to the side or rear of a non-university residential use” as well as where “university-related parking of more than three spaces is opposite and visible from a non-university use sharing a public or private street.” Screening is also required for mechanical equipment, communication equipment, refuse storage, general storage, and fueling areas.

Lighting - Lighting standards are provided according to type. Descriptions of the type of lighting to be used per zone and use are included.

PLAN PURPOSE - The Zoning Code intends for the application of the Institutional Overlay district to be limited to those land areas encompassed by a college or university master development plan. The plan shall adequately describe the extent of the existing and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus’s impact on the adjoining neighborhood(s).

The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks.

In the approval of a master development plan, the Council may require the inclusion of a phasing plan to insure that campus expansion occurs in a manner that can be supported by adequate public services and minimizes disruption to the surrounding residential community.

RECENT REZONINGS - No.

TRAFFIC - A Traffic Impact Study (TIS) has been submitted for this request.

Public Works Findings - Approval

STAFF RECOMMENDATION - In reviewing the Belmont University Institutional Overlay, staff has determined that the proposed plan meets the general requirements, as outlined by the Metro Zoning Code, for applying the IO district. The applicant has held numerous community meetings over the past several years to gather input as to the design and goals of the master plan. The applicant has also been working with staff to make changes to meet the intent of the Code, as well as to meet basic design standards.

The staff understands that the community and the district council member continue to work with the University to address additional concerns. If conditions are added to the Council bill, the Council may wish to re-refer the plan to the Planning Commission. Based on discussions with the university, the community, and the district Council member, staff has the following conditions in addition to any traffic conditions required by Public Works.

CONDITIONS

Prior to Third Reading by the Metro Council, the following updates must be made to the Master Plan.

1. There shall be no parking allowed in front of buildings, excluding existing parking and on-street parking, in the Arts and Entertainment Zone.
2. Add the following intent language to the “Lighting” section: Lighting shall be internally directed and shall minimize light trespass and pollution onto adjacent residential properties.
3. Temporary buildings shall be limited to those associated with construction. Placement of temporary buildings shall be reviewed by Planning Department.

4. The University shall not count on-street parking in meeting parking requirements for new development.
5. When there is a change in the use of a building, a study shall be conducted to determine if there is a need for additional parking related to the new use. Such study shall consider available parking.
6. Access to the proposed parking structure near Bruin Hills shall be limited to 12th Avenue and 15th Avenue.
7. Belmont and East Belmont Circle shall remain open to vehicular access and parking for the University.
8. The architectural guidelines for development along 15th Avenue and Ashwood shall extend the entire length of 15th Avenue, with the exception of any new building situated on the corner of 15th Avenue and Wedgewood. Buildings in this location shall follow the general requirements of the Wedgewood and Magnolia Grand Entry Activity Zone and the vertical articulation requirements of the architectural guidelines.
9. Provide a minimum of the 5 foot wide B-5 landscape buffer to non-university owned properties adjacent to the new Health Sciences building and the proposed parking structure at the Bruin Hills dormitory.
10. When development site 3 is redeveloped, the maximum building height shall not exceed that of the existing apartment building.
11. As new development occurs, buildings at the corners of Belmont and Ashwood as well as 15th Avenue and Ashwood shall be configured so as to create a “pocket park” with a minimum area of 1,500 square feet for university and public use.
12. Loading and refuse areas shall not face public streets along the perimeter of the overlay district.

Mr. Covington presented and stated that staff is recommending approval with Special Policy.

Mr. Bob Fisher, 1900 Belmont Blvd., President of Belmont University, spoke in support of the Institutional Overlay.

Mr. Jason Rogers, 1900 Belmont Blvd., spoke in support of the institutional overlay.

Ms. Cassandra Easley, 1906 15th Avenue South, expressed some opposition with the institutional overlay.

Mr. Rev. Julius Young, 1805 15th Avenue South, spoke in opposition to the institutional overlay.

Ms. Gladys Easley, 1906 15th Avenue South, spoke in opposition to the proposal.

Ms. Betty Malone, 2006 15th Avenue South spoke in opposition to the institutional overlay.

Mr. Casey Fincher, 2046-2 Bernard Circle, spoke in support of the institutional overlay.

Ms. Chastity Gunn, 2803 Bernard Circle, spoke in support of the institutional overlay.

Mr. Keith Durbin, 1704 Sweetbriar Avenue expressed some issues with the institutional overlay.

Mr. John Greene 1914 18th Avenue South, spoke in support of the institutional overlay.

Mr. Will Cromer, 2022-2 Bernard Circle, spoke in support of the institutional overlay.

Mr. Ron Miller, 1902 15th Avenue South, spoke in opposition to the institutional overlay.

Mr. Joe Johnston, 2010 Belmont Blvd, attorney, spoke in opposition to the institutional overlay, he requested that some properties be excluded from the overlay.

Ms. GiGi Gaskins, 2112 15th Avenue South, spoke in opposition to the institutional overlay.

Ms. Birda Mishaw, 2006 15th Avenue South, spoke in opposition to the institutional overlay.

Mr. Bob Murphy, RPM Transportation Engineers, spoke in support of the institutional overlay.

Ms. Dora Owsley, 1908 15th Avenue South, spoke in opposition to the proposal.

Mr. David Lewis, 1806 15th Avenue South, spoke in favor of the institutional overlay with conditions.

Ms. Tonya Young, 1805 15th Avenue South spoke in opposition to the institutional overlay.

Mr. Jonathan Guenther, 2914 Bernard Circle, spoke in favor of the institutional overlay.

Mr. Win Myint, 2010, 2012 & 2016 Belmont Blvd., expressed some concerns regarding the institutional overlay.

Mr. Jimmy Church, 1803 15th Avenue South, spoke in opposition to the institutional overlay.

Councilmember Greer stated he was in support of the fact that Belmont University needed to expand, however, he has some issues with the institutional overlay and requested that the proposal be deferred to insure that the changes are essentially necessary for the University's Master Plan.

Mr. Alex Raby, 3929 Bellwood Drive, spoke in support of the institutional overlay.

Mr. Ponder requested additional information regarding Councilmember Hausser's letter that was provided to the Commission prior to the meeting. He wanted to know whether staff supports the conditions suggested by Councilmember Hausser.

Mr. Covington stated that staff supported all but the first condition mentioned in Councilmember Hausser's letter – traffic improvements for 15th and Wedgewood. He explained that the traffic signal at 15th and Wedgewood were part of a process for improvements to be made to the Health Sciences Building, which took place prior to the application for the Institutional Overlay. He stated that Public Works was in agreement that this particular traffic improvement should be maintained and that staff can not support this condition.

Mr. Ponder requested additional clarification on the streets that would be included in the institutional overlay and how parking on such streets would be regulated.

Mr. Covington explained that the streets included in this area would be regulated by the Traffic and Parking commission.

Mr. Tyler requested additional clarification on the University's main entrances.

Mr. Covington explained the various main entrances to the campus.

Mr. Tyler questioned whether there was adequate parking included in Belmont's existing plan.

Mr. Covington explained that according to current calculations and the student ratio, it currently looks as though the University's existing plan was approximately 50 or 60 parking spaces short.

Mr. Tyler requested additional information regarding the width of 15th Avenue and the proposed traffic signal to be located at this site.

Mr. Covington stated that 15th Avenue was between 28 and 32 feet and that parking on both sides of this street would be a form of traffic-calming that would be both beneficial to the neighborhood as well as the University. He stated that the traffic signal was part of an approval process for improvements to be made to the Health Sciences

Building.

Ms. Cummings expressed issues with building heights, parking and lighting.

Mr. Covington explained building height as well as property setbacks. He stated that Belmont did incorporate compatible buildings with appropriate heights into the plan.

Mr. Covington explained that Belmont has been directed to insure that any additional lighting included in this proposal was to be directed towards objects, as opposed to outward directions. This will eliminate lighting trespasses with the existing community members.

Ms. Cummings also mentioned a concern regarding the vacant, run-down properties mentioned by the constituents.

Mr. Covington explained that this issue needed to be addressed and enforced by the Metro Codes Department. He stated that staff could add language to address these issues if requested by the Commission.

Mr. Clifton spoke favorably of Belmont University. He briefly spoke on how universities expand. He expressed some opposition to some of the conditions placed on the proposal. He was not in favor of 15th Avenue being the only point of access to the University. He suggested that this condition be brought back before the Commission to hold a hearing in order to allow additional review and recommendations.

Mr. McLean spoke in support of the last four conditions requested by Councilmember Hausser. He acknowledged the concerns expressed by the constituents regarding traffic and parking. He stated he was in support of an overlay which would include minimal disruption to the existing community members.

Ms. Nielson expressed some hesitation in approving the overlay with the number of conditions which have not been solidified.

Mr. Small spoke of the many issues related when there is a need for co-existence. His major issues associated with the project are parking, the traffic light and entrance on 15th Avenue and the impact that the University has on creating their boundaries. He stated he was in favor of the overlay, but not until the issue of parking, and the traffic light/ entrance on 15th Avenue can be addressed.

Ms. Jones expressed an issue with the traffic light located on 15th Avenue. She said she was in favor of approving this overlay with special conditions that would address this issue.

Mr. Loring spoke in favor of Belmont University. He suggested that the traffic light located at 15th Avenue be managed and addressed by the Traffic and Parking Commission. He spoke in support.

Mr. Ponder requested clarification on whether the Commission could remove the condition regarding the traffic light on 15th Avenue.

Mr. Bernhardt explained that the light at 15th Avenue is a current condition and has already been determined. He further explained that Public Works and Traffic & Parking could revisit this condition if there was a request to do so.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve the institutional overlay with the condition that Council consider the conditions requested by Councilmember Hausser.

Ms. Cummings suggested that the Commission include a condition that would address residential parking permits.

Mr. Bernhardt gave a brief explanation regarding residential parking permits in relation to the overlay.

Mr. Tyler expressed additional issues regarding 15th Avenue, parking and the width of the street. He suggested that there will be too much bottlenecking of traffic with the current plan.

Ms. Nielson suggested that the University continue to communicate with the community once construction begins to insure that the special conditions placed on the project are being followed.

Ms. Jones again mentioned the light on 15th Avenue and its affect it will have on a residential street.

Mr. Small acknowledged that there was an issue with the traffic light and 15th Avenue. He suggested that the Commission defer the overlay to allow additional time for Traffic & Parking, and the Public Works Department to revisit the issue of the traffic light. He then suggested that the issue be returned to the Commission for further and final review. He was not in favor a having Council make the decision regarding the traffic signal.

Mr. Clifton requested that a condition be included that East Belmont Circle not be closed until it is re-referred to the Commission. He also suggested that the Commission eliminate the condition that relates to Belmont Boulevard.

Mr. Clifton also mentioned an added condition relating to portable construction units.

Mr. Small suggested an amendment to the motion to include that the traffic light on 15th Avenue be disallowed and to be re-referred to the Planning Commission.

Mr. Loring suggested that the Traffic and Parking Commission review the issue regarding the traffic light and did not add this to his motion.

Mr. Bernhardt reviewed the motion as suggested. The motion was to approve staff recommendation with two amendments. The first amendment is to include that the temporary buildings be limited to those associated with construction, and the placement of these temporary buildings be reviewed by the Planning Department; and any other temporary buildings shall be reviewed by the Planning Commission prior to installation. The second amendment was that Belmont and East Belmont Circle shall remain open to vehicular access and parking for the university; they may be closed, however, following a focused traffic impact study with East Belmont Circle, and after a hearing before the Planning Commission. The motion also includes the condition that Metro Council consider the conditions as recommended by Councilmember Hausser.

The motion failed.

Mr. Small moved and Ms. Nielson seconded the motion to defer action on the institutional overlay until Traffic & Parking can come up with an alternative plan for the 15th Avenue parking issue.

Mr. Kleinfelter announced that this institutional overlay is scheduled to go before a Council Public Hearing and if there is not a recommendation on the overlay, it will go to Council as an approval.

Mr. Small withdrew his motion.

Mr. Lawson moved, and Ms. Jones seconded the following motion, which passed unanimously: **(10-0)**

Approve with conditions recommended by staff, except as follows:

1. East Belmont Circle and Belmont Boulevard shall not be closed to motorized traffic until a Traffic Impact Study is performed for both streets and East Belmont Circle must also be referred to the Planning Commission for review prior to closing.
2. Portable buildings shall be allowed for construction-related uses, with Planning Department review of the location. Portable buildings shall be allowed for other uses only with approval by the Planning Commission.
3. Approval of the IO overlay does not require the installation of a traffic signal at 15th Ave., South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the

approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be amended or cancelled.

4. The Commission further recommends that the Council consider the conditions recommended by Councilmember Hausser.

Resolution No. RS2005-141

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002Z-040U-10 is **APPROVED WITH CONDITIONS, and a recommendation that the Metro Council consider additional conditions requested by Councilmember Hausser. (10-0)**

Conditions of Approval:

Prior to Third Reading by the Metro Council, the following updates must be made to the Master Plan.

1. There shall be no parking allowed in front of buildings, excluding existing parking and on-street parking, in the Arts and Entertainment Zone.
2. Add the following intent language to the “Lighting” section: Lighting shall be internally directed and shall minimize light trespass and pollution onto adjacent residential properties.
3. Temporary buildings shall be limited to those associated with construction. Placement of temporary buildings shall be reviewed by Planning Department.
4. The University shall not count on-street parking in meeting parking requirements for new development.
5. When there is a change in the use of a building, a study shall be conducted to determine if there is a need for additional parking related to the new use. Such study shall consider available parking.
6. Access to the proposed parking structure near Bruin Hills shall be limited to 12th Avenue and 15th Avenue.
7. Belmont and East Belmont Circle shall remain open to vehicular access and parking for the University.
8. The architectural guidelines for development along 15th Avenue and Ashwood shall extend the entire length of 15th Avenue, with the exception of any new building situated on the corner of 15th Avenue and Wedgewood. Buildings in this location shall follow the general requirements of the Wedgewood and Magnolia Grand Entry Activity Zone and the vertical articulation requirements of the architectural guidelines.
9. Provide a minimum of the 5 foot wide B-5 landscape buffer to non-university owned properties adjacent to the new Health Sciences building and the proposed parking structure at the Bruin Hills dormitory.
10. When development site 3 is redeveloped, the maximum building height shall not exceed that of the existing apartment building.
11. As new development occurs, buildings at the corners of Belmont and Ashwood as well as 15th Avenue and Ashwood shall be configured so as to create a “pocket park” with a minimum area of 1,500 square feet for university and public use.
12. Loading and refuse areas shall not face public streets along the perimeter of the overlay district.

Approve with conditions recommended by staff, except as follows:

1. East Belmont Circle and Belmont Boulevard shall not be closed to motorized traffic until a Traffic Impact Study is performed for both streets and East Belmont Circle must also be referred to the Planning Commission for review prior to closing.
2. Portable buildings shall be allowed for construction-related uses, with Planning Department review of the location. Portable buildings shall be allowed for other uses only with approval by the Planning Commission.
3. Approval of the IO overlay does not require the instillation of a traffic signal at 15th Ave., South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be continued.
4. The Commission further recommends that the Council consider the conditions recommended by Councilmember Hausser.

The proposed Institutional Overlay district is consistent with the Green Hills/Midtown Community Plan's Residential Medium and Residential High policies, as the IO district is intended for areas designated as residential by the General Plan. The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The IO district delineates on the official zoning map the geographic boundaries of an approved college master development plan, and establishes by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution."

The Commission recessed at 6:10 pm

Ms. Nielson left the meeting at 6:10 p.m.

The Commission resumed at 6:30 p.m.

PRELIMINARY SUBDIVISION PLATS

2. **2005S-051G-06**
Avondale Park
Map 140, Parcels, 010, 016, 069, 074, 075
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval to create 564 lots on the south margin I-40 east, on the west margin Coley Davis Road (261.66 acres), classified within the AR2a and RS15 districts, requested by Avondale Park Partnership, owners, Civil Site Design Group, engineer.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2005S-051G-06 to May 12, 2005 at the request of the applicant. (10-0)

PLANNED UNIT DEVELOPMENTS

3. **103-79-G-14**
Riverfront Shopping Center (Dollar General) (Old 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 May 12, 2005 at the request of the applicant. (10-0)

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4. **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.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary and Final PUD

Revise the preliminary master plan and for final approval of a Planned Unit Development district (Briley Corners) to permit the addition of a 225 parking spaces.

PLAN DETAILS - The current plan proposes the addition of 225 parking spaces, which will be provided in two separate lots. This request is associated with proposal 2005S-079U-14, a final plat application to adjust lot lines within the PUD. The adjustment is required to provide adequate area for the additional parking areas.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No exceptions taken

STORMWATER RECOMMENDATION

1. NPDES # on cover sheet and two (2) copies of the NOC.
2. Dedication of Easement for the water quality unit. Following statement to include below easement description: "Grantor agrees to provide Metro Water Services sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any stormwater facilities within the aforesaid property."
3. Construction entrance detail to show filter fabric and 20' minimum width.
4. Silt fence is ineffective when running perpendicular to contours, please revise.
5. Provide detail showing how rock check dams are to be properly spaced.
6. Replace straw bale filter shown with rock check dam.
7. BMP details should state: "Metro Stormwater Management Manual Volume 4 Section TCP-##" as opposed to "TCP-##".
8. No contours shown on the pre and post development maps. Delineate the travel path used to calculate your time of travel.

9. Submit a drainage map showing the individual drainage areas to each structure.
10. Plans show a broken concrete flume leaving the pond? What problems does this pose, and how will it be addressed?
11. Is there an existing easement for the existing detention pond the 30" culvert?
12. Add detail of vortexchance units. State the design and bypass capacity of the unit along with the detail.
13. Next two downstream structures?
 - a. Place following note on place: "As-builts are required for underground detention and water quality structures prior to issuance of the U&O permit." Certification must include, at a minimum, the following information:
 1. Manufacture and model number of unit;
 2. Sales receipt;
 3. Attached shop drawings on installed unit;
 4. Date of field inspection by Engineer (before backfilling structure); and
 5. Engineer stamp and date.

CONDITIONS (if approved)

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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require re-approval by the Planning Commission.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-142

"BE IT RESOLVED by The Metropolitan Planning Commission that 99-85-P-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. NPDES # on cover sheet and two (2) copies of the NOC.
2. Dedication of Easement for the water quality unit. Following statement to include below easement description: "Grantor agrees to provide Metro Water Services sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any stormwater facilities within the aforesaid property."
3. Construction entrance detail to show filter fabric and 20' minimum width.
4. Silt fence is ineffective when running perpendicular to contours, please revise.
5. Provide detail showing how rock check dams are to be properly spaced.
6. Replace straw bale filter shown with rock check dam.
7. BMP details should state: "Metro Stormwater Management Manual Volume 4 Section TCP-##" as opposed to "TCP-##".
8. No contours shown on the pre and post development maps. Delineate the travel path used to calculate your time of travel.
9. Submit a drainage map showing the individual drainage areas to each structure.
10. Plans show a broken concrete flume leaving the pond? What problems does this pose, and how will it be addressed?
11. Is there an existing easement for the existing detention pond the 30" culvert?
12. Add detail of vortech units. State the design and bypass capacity of the unit along with the detail.
13. Next two downstream structures?

Place following note on place: "As-builts are required for underground detention and water quality structures prior to issuance of the U&O permit." Certification must include, at a minimum, the following information:

- Manufacture and model number of unit;
 - Sales receipt;
 - Attached shop drawings on installed unit;
 - Date of field inspection by Engineer (before backfilling structure); and
 - Engineer stamp and date.
14. 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.
 15. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
 16. 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.
 17. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until

four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

18. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
19. 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 re-approval by the Planning Commission.”

-
5. **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 May 12, 2005 at the request of the applicant. (10-0)

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

6. **2004Z-005T**
Council Bill BL2005-628

A council bill to amend various sections of the Zoning Code relative to requiring the undergrounding of utilities whenever a residential subdivision proposes a new public or private street, sponsored by Councilmember's Mike Jameson, Tommy Bradley, and Jim Shulman.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend Zoning Code to require all utilities to be placed underground for new residential subdivisions.

ANALYSIS

Existing Law -The Zoning Code and the Subdivision Regulations currently do not require any utilities to be placed underground. Water, sewer, and natural gas lines are placed underground as part of an industry standard.

Proposed Text Change -The proposed amendment (see attached bill) would require all utilities to be underground for new residential subdivisions with new public or private streets, or along any existing public or private street where utilities are already located underground. The bill does include several exceptions, which will be discussed below.

Analysis - For the past year, Metro has worked with a variety of stakeholders in developing this ordinance, including NES, BellSouth, Comcast, the Utilities Caucus, M.D.H.A. (affordable housing), various private developers, the homebuilder's association, Metro Public Works, Metro Water Services, the Suburban Caucus of the Metro Council, the Mayor's Office, and individual Council members. All parties involved have become more

familiar with the technical standards and requirements each utility must work within to provide water, sewer, gas, electricity, cable, and telephone services.

The genesis of the underground utility proposal was the undesirable aesthetic impact of above-ground utilities, their placement in the public right-of-way, particularly sidewalks, and the greater variety of street trees possible with underground utilities. Nearly 75% of new residential subdivisions in Davidson County currently utilize underground utilities. Nationally, nine out of ten new subdivisions place utilities underground. Locally, the communities of Hendersonville, Brentwood, Mt. Juliet, and Sumner County require underground utilities.

While undergrounding utilities is not optional under the proposed amendment, recognizing the county's topography, the bill does provide 16 exemptions. Thirteen of these exemptions are automatic while three are discretionary waivers subject to Planning Commission review and approval on a case-by-case basis. In the event an applicant waiver were disapproved by the Planning Commission, an applicant retains the right to seek a variance from the Board of Zoning Appeals (BZA).

The attached analysis provides a more in-depth review of this proposed bill.

Staff Recommendation - Approve. This text amendment provides for a one-time investment to produce aesthetic returns to the Nashville community for generations. It does so in three principle ways: 1) A greater variety of street trees can be planted allowing trees to grow to their natural canopy; 2) By improving the aesthetic quality of streetscapes and neighborhoods, it may encourage a more active and healthy life for Davidson County residents via walking and running on uncluttered sidewalks with shade trees; and 3) By improving the visual quality of neighborhoods, undergrounding utilities may contribute to increased property values.

Underground Utilities

Ordinance

(2004Z-005T; BL2005-628)

A N A L Y S I S

1) **What are the benefits of the bill?**

- a. Improves the visual and aesthetic appearance of Nashville's residential subdivisions;
- b. Permits a greater variety of street trees to be used, and allows them to grow to their natural canopy without the expense of tree trimming and overhead wire maintenance;
- c. Creates more attractive streetscapes for pedestrians and motorists; and,
- d. Decreases the frequency of power outages due to accidents and weather.

2) **Is this ordinance mandatory, in that "utilities shall be underground"?**

Yes, it is mandatory. However, recognizing situations may arise where utilities cannot be placed underground, the bill contains a list of exemptions and a variance process (see below).

3) **What kind of utilities must be underground?**

All electrical and communication systems must be located underground (e.g. phone, cable, street lighting). Gas pipelines are already placed below ground.

4) **What kinds of development would be required to underground utilities?**

- Any residential subdivision where new public or private streets are proposed; or
- Any residential subdivision along an existing public or private street where utilities are already located underground.

5) **Would this apply to office, commercial, mixed-use, or industrial developments?**

- No, it would not apply to offices, commercial or industrial developments.
- Yes, it would apply to any residential portions of a mixed-use development, or as otherwise provided in any Council approved overlay district or development plan.

6) **What other nearby Tennessee communities require underground utilities?** Cities of Hendersonville, Brentwood, and Mt. Juliet as well as Sumner County.

7) **When would this ordinance take effect?** July 1, 2005 (anticipated)

8) **Who is responsible for placing and paying for undergrounding utilities?**

The residential developer or builder shall pay all costs to the respective utility companies.

9) **What if the utilities just can't be placed underground (e.g. too much rock), what appeal process is there?** The bill provides 16 exemptions, 13 of which are automatic and three (3) of which are at the Metro Planning Commission's (MPC) discretion. If an applicant's exemption request were to be disapproved by the MPC, an applicant could apply to the Board of Zoning Appeals (BZA) for a variance as set forth in Section 17.40.350 of the Zoning Code.

Exemptions – The following exemptions are contained in the bill:

D. Exemptions. The following items shall be exempt from complying with the provisions of this title, except those noted with an asterisk (*). Items with an asterisk (*) shall be considered on a case-by-case basis for exemption by the Metro Planning Commission, based on a property's location and topography.

1. Any new preliminary or amended planned unit development application or any new or amended urban design overlay district application, submitted to the Metropolitan Government of Nashville and Davidson County before July 1, 2005.

2. Any preliminary or revised preliminary subdivision plat application, submitted to the Metropolitan Government of Nashville and Davidson County before July 1, 2005.

3. Any residential lot or parcel greater than 40,000 square feet in size.

4. Above ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed thirty (30) days in order to provide emergency utility services. The time limitation may be extended, if warranted, by the Metro Planning Commission.

5. Utility equipment utilized for street lighting purposes.

6. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.

7. Utility equipment appurtenant to underground facilities and which meet the requirements of Section 17.28.103.B.3, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures.

8. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above ground service shall be removed.

9. Fire hydrants, fireplugs, and other utility equipment utilized exclusively for firefighting purposes.

10. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.

11. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.

12. Electrical distribution lines on major streets as shown on the Major Street Plan, electrical transmission lines, or switch gear.

13. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental regulatory reasons.

14*. Utility lines with a length of less than 300 feet and where utility lines have not been placed underground within the proposed new subdivision, on any property abutting the subdivision, or within any approved but not yet built abutting subdivision where a final plat has been approved.

15*. Utility lines where severe disruption of existing improvements, diminished quality of service, or undue difficulty in repair would occur.

16*. Utility lines where an affected adjoining property owner will not consent to modification of easements.

ORDINANCE NO. BL2005-

An ordinance to amend various sections of Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, relative to undergrounding utilities in any residential

subdivision where a new public or private street is to be constructed, all of which is more particularly described herein (Proposal No. 2004Z-005T).

WHEREAS, overhead utilities exist in many portions of Metropolitan Government of Nashville and Davidson County (“Metro”);

WHEREAS, overhead utilities can have an undesirable aesthetic impact upon the character and quality of the neighborhoods in Metro;

WHEREAS, as a prominent part of the streetscape, overhead utility lines may detract from the visual quality of the neighborhoods;

WHEREAS, a one-time investment by a developer or property owner to underground utilities produces aesthetic returns to the Nashville community for generations;

WHEREAS, undergrounding utilities may encourage a more active and healthy life for Davidson County residents by creating more attractive streetscapes for pedestrians;

WHEREAS, use of underground utilities allows a greater variety of street trees to be planted and to grow to their natural canopy thereby reducing maintenance costs attributable to tree trimming and improving the aesthetic quality of streetscapes and neighborhoods;

WHEREAS, undergrounding utilities may contribute to increased property values in affected areas; and,

WHEREAS, the Metro Council finds for all of the foregoing reasons, and to promote the welfare of residents with respect to the aesthetic quality of subdivisions, the electric and communication distribution facilities should be located underground, where feasible, without affecting the quality of utility services.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.04.060 (Definitions of General Terms), by **adding** the following definitions in alphabetical order:

Above ground means visible from the surface of the earth.

Electrical Service Lines means an electrical line serving limited geographic areas of residential neighborhoods by providing electrical power directly to a residence, or group of residences, and not designed to extend service more than one half-mile.

Electrical Distribution Lines means an electrical line designed to distribute electric power to, and through, agricultural, residential, commercial, and industrial areas.

Electrical Transmission Lines means electrical power lines, feeder circuits, or networks designed to transmit electrical power for regional use.

Subdivision means any subdivision of land as provided in Section 13-3-401 et seq. and Section 13-4-301 et seq., Tennessee Code Annotated.

Switch Gear means a high voltage electrical device used to switch main feeder circuits and to provide fuse protection for distribution of currents to customers.

Underground means not visible from the surface of the earth.

Utility Companies means any person, governmental body, organization, or entity of any type, and their agents, representatives, and employees, supplying electricity, natural gas, water, communications, or similar or associated services to the residential areas of Metropolitan Nashville and Davidson County.

Utility Equipment means poles, towers, supports, wires, conductors, conduits, guys, stubs, cross arms, braces, transformers, insulators, cut-outs, switches, communication circuits, used or useful in supplying electricity, natural gas, water, communication or similar or associated services to the residential areas of Metropolitan Nashville and Davidson County.

SECTION 2. By amending Section 17.28.080.B (Operational Performance Standards: Applicability) by **modifying** the text as follows:

17.28.080 Applicability.

B. When an existing land use or structure is expanded, enlarged or otherwise reconstructed after the effective date of the ordinance codified in this title, the applicable performance standards shall apply to the expanded, enlarged or reconstructed portion, with the exception of undergrounding utilities; see Section 17.28.103 below.

SECTION 3. By amending Section 17.28.103 (Compliance Certification) by **renumbering** it as Section 17.28.104, and **adding** as Section 17.28.103 (Underground Utilities) as follows:

17.28.103 Underground Utilities.

A. **Applicability.** Effective July 1, 2005, these standards shall apply to any application for residential development submitted to the Metropolitan Government of Nashville and Davidson County for approval, wherein a new public or private street is to be constructed now or in the future, or where an existing public or private stub street, is to be extended, as follows:

1. Any application for a new or amended preliminary planned unit development;
2. Any new or amended preliminary urban design overlay district; or
3. Any new or revised preliminary subdivision plat; and in the case of a proposed revised preliminary plat, these provisions shall only apply to those plats deemed to be a major modification by the Executive Director of the Metro Planning Department, as provided in the Subdivision Regulations.

B. **Utility Services.**

1. A public utility easement shall be provided along all public and private streets and alleys by the property owner.
2. All public and private utility services installed after the effective date of this ordinance shall be underground, including the conduit (raceway) from service equipment, except as provided in Sections 17.28.103.C, 17.28.103.D, and 17.28.103.F below. Such conduit (raceway) shall be placed underground to the curblin e and/or utility right-of-way, including but not limited to, electric, telephone, communication, exterior lighting and television cable.
3. Related equipment such as transformers, meters, etc., shall be above ground, preferably within the furnishing zone between the curb and sidewalk, within the public utility easement, or within the required front yard setback or side yard setback adjacent to the street; equipment placed in the street right-of-way shall be subject to all applicable laws and ordinances.

C. **Previously Approved Streets and Utilities:** Where a subdivision abuts an existing public or private street, or one shown on an approved final plan with an overlay district, recorded final plat, or on the Metro Government Official Street and Alley Map, then no undergrounding shall be required of existing utilities or new utilities proposed along that existing portion of the public or private street, unless underground utilities already exist.

D. **Exemptions.** The following items shall be exempt from complying with the provisions of this title, except those noted with an asterisk (*). Items with an asterisk (*) shall be considered on a case-by-case basis for exemption by the Metro Planning Commission, based on a property's location and topography.

1. Any new preliminary or amended planned unit development application or any new or amended urban design overlay district application, submitted to the Metropolitan Government of Nashville and Davidson County before July 1, 2005.
2. Any preliminary or revised preliminary subdivision plat application, submitted to the Metropolitan Government of Nashville and Davidson County before July 1, 2005.
3. Any residential lot or parcel greater than 40,000 square feet in size.

4. Above ground utility equipment installed, maintained, and utilized by utility companies for a period not to exceed thirty (30) days in order to provide emergency utility services. The time limitation may be extended, if warranted, by the Metro Planning Commission.
5. Utility equipment utilized for street lighting purposes.
6. Utility equipment utilized exclusively for vehicular and pedestrian traffic control purposes.
7. Utility equipment appurtenant to underground facilities and which meet the requirements of Section 17.28.103.B.3, such as service-mounted, pedestal-mounted, or pad-mounted transformers, terminal boxes, meters, cross boxes, cabinets, vaults, electronic enclosures, pedestals, flush-to-grade hand holes, splice closures.
8. Temporary utility equipment utilized or to be utilized exclusively in conjunction with construction projects, seasonal, or special event installations. Upon installation of permanent utility service, above ground service shall be removed.
9. Fire hydrants, fireplugs, and other utility equipment utilized exclusively for firefighting purposes.
10. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building, or to an adjacent building or to the alley, without crossing any public street.
11. Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.
12. Electrical distribution lines on major streets as shown on the Major Street Plan, electrical transmission lines, or switch gear.
13. Equipment installed by the utility which should not be installed underground for engineering, safety, or environmental regulatory reasons.
- 14*. Utility lines with a length of less than 300 feet and where utility lines have not been placed underground within the proposed new subdivision, on any property abutting the subdivision, or within any approved but not yet built abutting subdivision where a final plat has been approved.
- 15*. Utility lines where severe disruption of existing improvements, diminished quality of service, or undue difficulty in repair would occur.
- 16*. Utility lines where an affected adjoining property owner will not consent to modification of easements.

E. **Variance.** A property owner and/or developer may appeal to the Board of Zoning Appeals indicating why undergrounding utilities are not feasible in accordance with the procedures set forth in Section 17.40.350. The Board shall not act upon such a request without first receiving a recommendation from the Metro Planning Commission, as provided in Section 17.40.340.

F. **Alleys.** Where a subdivision proposes alleys, utilities may be located above or below ground in these alleys. If utilities are located above ground, then all utilities serving the proposed lots shall be placed in the alleys, except any street light system. Utilities connecting one alley to another alley may cross a public or private street above ground.

H. **Property Owner Responsibility.** The property owner and/or developer installing, requesting, or requiring the construction of the improvement, and not the Metropolitan Government or the utility, shall be responsible for the cost of placing utility lines underground and shall make the necessary arrangements with the serving utility companies. The utility shall have no obligation to underground facilities unless and until it receives full payment for costs to do so.

I. **Non-Conforming Utility Equipment.** Any utility equipment approved or installed, and operating prior to the effective date of this ordinance, may be maintained in its present condition and may be upgraded to conform to new technologies and regulatory requirements.

J. **Existing City Franchises Not Affected.** The provisions of this section do not and shall not be interpreted to waive any right enjoyed by Metro with respect to any franchisee, nor to waive the obligations created by any franchise. In the event that any provision of this section conflicts with any provision of a franchising agreement or ordinance, said franchise provision shall control. The provisions of this section likewise are not intended to create any conflict with the rights granted pursuant to T.C.A. §§ 65-21-201, *et seq.* and 65-21-107.

H. **Relationship to Other Requirements.** In case of conflict between the standards of this section and any other standards, rules, or regulations adopted by any other applicable Metro governmental department or agency, the provisions of this article shall control.

If any section, clause, provision or portion of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this section.

SECTION 4. By amending Section 17.40.340 (Limits to Jurisdiction) by **adding** after the phrase “variance application” and before the phrase “within a planned unit development” the phrase “concerning underground utilities or”.

SECTION 5. BE IT FURTHER ENACTED, That this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Tommy Bradley

Councilmember Jim Shulman

Councilmember Ginger Hausser

Councilmember Michael Jameson

Approved (10-0) *Consent Agenda*

Resolution No. RS2005-143

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-005T is **APPROVED. (10-0)**”

7. **2004Z-011T**
Council Bill BL2005-629

A council bill to amend Section 17.40.120 of the Zoning Code requiring that all planned unit developments inactive for more than six years be submitted to the Metro Council for approval prior to the issuance of any building or grading permit, sponsored by Councilmember John Summers.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Amend Zoning Code to require that any planned unit development (PUD), or phase of a PUD, that is inactive for six or more years be reviewed by the Planning Commission and Metro Council for approval, amendment, or cancellation, prior to the issuance of any building or grading permits.

ANALYSIS

Background -In 2004, Councilmember John Summers introduced an ordinance requiring all modifications to PUDs more than four years old be submitted to the Council for approval. That bill also required submission to the Council for approval prior to the issuance of any building or grading permit, any PUD in existence for more than eight years in which a permit had not been issued. The bill was deferred indefinitely by the Council on January 4, 2005, so that PUD modifications could be addressed more comprehensively. A new bill has been introduced by Councilmember Summers, with the assistance of planning staff, to better address the various PUD development situations. That bill is analyzed in this staff report.

Existing Law -The Zoning Code currently does not sunset any old PUDs. Any PUD plan approved six or more years ago, whether any site development has ever taken place or not, is still considered effective.

Proposed Text Change -The proposed amendment would require any PUD plan, or phase of a PUD, that is inactive for six or more years to be reviewed by the Planning Commission and Metro Council for approval, amendment, or cancellation, prior to the issuance of any building or grading permits. See attached bill.

Analysis -PUDs are not intended for speculative development, but only by applicants with a firm intention to develop according to a master plan with a master development schedule. There are 60 unbuilt PUDs in Davidson County that have been approved by the Metro Council, but never built. These undeveloped PUDs, and those that are even partially developed, lead to inaccurate perceptions about the development future of sites that appear vacant and in a natural state. These PUDs also are unreliable predictors of improvements needed in public services and infrastructure. See fact sheet below for more information.

Staff Recommendation Approve. This bill addresses a major concern of neighborhoods and the community, that being, undeveloped PUDs lead to inaccurate perceptions about the character and nature of a neighborhood or community. They make land appear to be vacant and natural, even rural, when in reality development has been approved five, ten, or even twenty years ago on the property. Further, the bill establishes a fair and equitable way to review these older developments to ensure what was previously approved still makes sense today based on the general plan and community input.

Planned Unit Development (PUD) Review Ordinance

FACT SHEET

1. **Proposed Solution – PUD Review**

The revised PUD Review ordinance would require that any PUD or phase of a PUD approved by the Metro Council that has been inactive for six or more years be reviewed by the Planning Commission and resubmitted to the Metro Council for approval, amendment or cancellation by ordinance before any building or grading permits are issued.

2. **When is a PUD or phase of PUD considered “inactive”?**

A PUD, or a phase of a PUD, is considered “inactive” if one or more of the following three criteria apply:

- a) Six years have passed since the ordinance enacting the PUD or PUD phase was passed and no building has been constructed, no legal and unexpired building permit exists for the construction of a building and no substantial work on the ground has been completed (site grading *does not* count as substantial work), or
- b) Less than 60 percent of the non-residential floor area allowed by the PUD or PUD phase has been constructed and six years have passed since the most recent newly-constructed non-residential building received its final certificate of use and occupancy, or
- c) Fewer than 75 percent of the residential units allowed by the PUD or PUD phase have been constructed and six years have passed since the most recent newly-constructed residential building received its final certificate of use and occupancy.

3. **Are there any exceptions?**

There is one exception for PUDs with phasing schedules exceeding six years. The developer can provide evidence to the Executive Director of the Metro Planning Department that the multi-phase PUD has followed its approved development schedule and construction of buildings and uses has been “uninterrupted.” Uninterrupted is defined as

demonstrating that there has been no period of 12 months or more when a final certificate of use and occupancy has not been issued for a newly constructed building somewhere within the PUD, ignoring the lines drawn for individual PUD phases. If the Executive Director finds that the development has followed its approved schedule and has met the definition of uninterrupted development, then even if individual phases of the PUD are “inactive” according to the criteria in (a) through (c) above, the PUD or the PUD phases will not be classified as “inactive.”

4. **If a PUD or phase of PUD is determined to be inactive, what happens next?**

No grading permit or any building permit will be issued until the PUD or PUD phase has been reviewed by the MPC and the Metro Council takes final action on the matter.

5. **How does the review of the inactive PUD or phase of a PUD begin?**

There are four ways to begin the review process for inactive PUDs or phases of PUDs:

- a) The MPC can choose to review an inactive PUD or phase of PUD,
- b) A member of Metro Council can refer an inactive PUD or phase of PUD to the MPC for review,
- c) Any Metro Nashville/Davidson County Department that issues building or development permits can refer an inactive PUD or phase of PUD to the MPC for review, or
- d) The property owner or agent of the inactive PUD or phase of PUD can refer it to the MPC for review.

6. **How will the MPC review an inactive PUD or phase of PUD?**

The MPC has ninety days from the day the PUD review is requested to give the Metro Council recommended legislation that states the MPC’s findings on the following issues:

- a) A decision on whether the PUD or a phase of the PUD is, in fact, “inactive” and subject to review,
- b) An opinion on whether or not it is appropriate to allow the PUD or phase of PUD to be developed as it was originally proposed. This opinion will consider current conditions and circumstances. The opinion will include a recommendation on the appropriate base zoning necessary to implement the PUD as it was originally proposed,
- c) Any recommendations to amend the PUD or phases of the PUD to fit the existing conditions and circumstances, and appropriate base zoning if the PUD or any phase of the PUD is removed by Council. If the MPC does not give Metro Council a recommendation within ninety days, then it is assumed that the MPC recommends that the existing PUD and base zoning be left “as is” without any changes.

7. **What happens at Metro Council?**

From the day the Metro Council receives the MPC’s recommendation, the Council has six months to take final action on the PUD or phase of PUD. The Metro Council may take one of four actions:

- a) Re-approve the existing PUD or phase of PUD and place the appropriate zoning on the land to implement the existing PUD, if the appropriate base zoning is not already in effect,
- b) Amend the PUD or phase of PUD, including changes to the base zoning if required to implement the amended PUD,
- c) Cancel the PUD or phase of PUD, and make any changes necessary to the underlying base zoning district, or
- d) Take no action, in which case the property may be developed following the master plan last approved by the Metro Council (the PUD) until such time that the Council takes action to change the zoning of the property.

ORDINANCE NO. BL2005-629

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.40.120 to require that all planned unit developments inactive for more than six years be submitted to the Metro Council for approval prior to the issuance of any building or grading permit (Proposal No. 2004Z-011T).

WHEREAS, there are a number of planned unit developments (PUDs) within Davidson County that have never been built according to the council-approved master development plan; and

WHEREAS, undeveloped or partially developed PUDs lead to inaccurate perceptions about the development future of sites that appear vacant and in a natural state; and

WHEREAS, unbuilt and obsolete PUD master plans are unreliable predictors of improvements needed in public services and infrastructure.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. 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 17.40.120 as follows:

1. By adding the following new subsection H.:

"H. Inactive Planned Unit Developments.

1. A planned unit development overlay district is not intended for speculative development projects, but represents the applicant's firm intention to develop according to a master development plan in a single development operation, or in a phased series of development operations according to a development schedule submitted in accordance with Section 17.36.040.C.5.

2. Any planned unit development, or any phase of a planned unit development, approved by the metropolitan council shall be classified inactive if:

- a. Six years following the date of the enacting ordinance or Council action per section 6 below, there is no valid building permit in effect and substantial construction has not begun; for the purposes of this subsection H, substantial construction shall not include site grading; or
- b. Less than 60% of the non-residential floor area allowed by the planned unit development has been constructed, and six years have expired since the most recent newly constructed non-residential building received a final certificate of use and occupancy; there is no valid building permit in effect, and substantial construction to resume building activity has not begun; substantial construction shall not include site grading; or
- c. Fewer than 75% of the residential units allowed by the planned unit development have been constructed, and six years have expired since the most recent newly constructed residential building received a final certificate of use and occupancy; there is no valid building permit in effect, and substantial construction to resume building activity has not begun; substantial construction shall not include site grading.

Exception for planned unit developments with phasing schedules exceeding six years: If the developer provides evidence, and the Executive Director makes findings, that a multi-phase planned unit development has adhered to the approved development schedule required by Section 17.36.040.C.5, and that construction of buildings and uses has been uninterrupted, then the failure to meet the construction targets of subsection 2., a. through c. on one or more individual phases shall not cause said phases to be classified inactive. For purposes of this section, construction is uninterrupted when there is no interval of 12 or more months when a final certificate of use and occupancy has not been issued for a newly constructed building somewhere in the planned unit development, without regard to phase lines.

3. No grading permit nor any building permit for new building construction shall be issued for an inactive planned unit development, or for any inactive phase(s) of a planned unit development, until the planned unit development is reviewed by the planning commission and the metropolitan council takes final action as outlined in subsection 6.

4. Review of an inactive planned unit development, or any inactive phase(s) of a planned unit development, may be initiated by the planning commission in one of the following ways:

- a. By the planning commission, on its own initiative;
- b. Upon referral to the planning commission by a member of the metropolitan council;
- c. Upon referral to the planning commission by any department of metropolitan government that issues building or development permits;
- d. Upon request of the property owner(s) or agent.

5. Within ninety days from the initiation of the review, the planning commission shall provide recommended legislation to the metropolitan council which reflects its findings on issues a., b., and c., below. Failure of the planning commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to approve by ordinance the retention of the existing planned unit development overlay and base zoning district(s) without alteration.

- a. Whether, in the planning commission's opinion, the planned unit development or the phase(s) under review has become inactive, according to the application of criteria set out in 170.40.120 H.2; and
- b. The appropriateness of the continued implementation of the planned unit development or phase(s) as adopted, based on current conditions and circumstances, including the appropriate base zoning district necessary to implement the planned unit development as it exists; and
- c. Any recommendation to amend the planned unit development overlay district or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the planned unit development overlay district be removed, in whole or in part, from the area of the inactive planned unit development district or the area of any inactive phase(s).

6. Within six months of the planning commission's deadline for submitting a recommendation regarding the continued appropriateness of the PUD, the council shall take final action to re-approve the existing PUD master plan, amend the PUD master plan, or cancel the PUD overlay district, including any change(s) to the underlying base zoning district. Otherwise the property may be developed in accordance with the master development plan last approved by the metropolitan council until such time as the council takes action to alter the zoning of the property.

7. The procedures of Article III of this chapter and the rules and procedures of the metropolitan planning commission shall apply to deliberations and decisions on inactive planned unit developments."

Section 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Approved (10-0) *Consent Agenda*

Resolution No. RS2005-144

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-011T is **APPROVED. (10-0)**”

- 8. **2005Z-024U-10**
Map 104-10, Parcels Various
Subarea 10 (1994)
District 25 (Shulman)

A request to apply the Neighborhood Conservation Overlay district to various properties located between West End Avenue and Richardson Avenue in the Elmington Place area, requested by the Metro Historical Commission.

Staff Recommendation - Approve

APPLICANT REQUEST - To apply the Neighborhood Conservation Overlay District to an area between West End Avenue and Richardson Ave in the Elmington Place area.

Existing Zoning

R8 - ~~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.

RM40 - ~~R40~~ requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

SUBAREA 10 PLAN POLICY

Residential Medium Policy (RM) - RM policy is intended to conserve residential development, as well as, provide opportunities for new residential development with a density of four to nine dwelling units per acre.

Policy Conflict - None. The Neighborhood Conservation Overlay District is not in conflict with the RM policy for this area. The plan notes the variety of historical homes and districts within the subarea, and states that “preserving the city’s heritage through their uniqueness is a critical component in meeting the subareas housing needs” (p. 21). Also, this area was specifically identified as “Worthy of Conservation” during the planning process (Historic Resources, Fig. 8, p. 17 & A7).

RECENT REZONINGS - None.

TRAFFIC - No Exception Taken

Mr. Swaggart presented and stated that staff is recommending approval. Mr. Swaggart mentioned that there were errors contained in the staff report and updated the Commissioners with the correct language.

Ms. Kren Teren, 306 Elmington Avenue, spoke in support of the proposal.

Ms. Jane Hardy, 208 Elmington Avenue, spoke in support of the overlay.

Ms. Mary Stevens, 3519 Byron Avenue, spoke in support of the overlay.

Ms. Nancy Chilton, 3506 Byron Avenue, spoke in support of the overlay.

Ms. Patsy Bruce, 4117 Aberdeen Road, spoke in support of the overlay.

Mr. Irwin Venick, 3916 Kimpalong Avenue, spoke in support of the overlay.

Mr. Frank Englert, 304 Elmington Avenue, spoke in opposition to the overlay.

Ms. Burkley Allen, 3521 Byron Avenue, spoke in support of the overlay.

Mr. Shawn Henry, attorney, spoke in support of the overlay.

Mr. Loring spoke in support of the conservation overlay.

Ms. Jones spoke in support of the conservation overlay.

Mr. Small spoke in support of the conservation overlay.

Mr. McLean spoke in support of the conservation overlay.

Ms. Cumming spoke in support to the conservation overlay.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve zone change 2005Z-024U-10. **(9-0)**

Resolution No. RS2005-145

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-024U-10 is **APPROVED. (9-0)**

The proposed Neighborhood Conservation Overlay district is consistent with the Green Hills/Midtown Community Plan’s Residential Medium policy, which is intended for residential development at a density of four to nine dwelling units per acre. The Neighborhood Conservation Overlay District is not in conflict with the community plan, which notes the variety of historical homes and districts within the subarea, and states that “preserving the city’s heritage through their uniqueness is a critical component in meeting the subarea’s housing needs.”

9.

2005Z-025U-12

Maps Various, Parcels Various
Subarea 12 (2004)
District 26 (Adkins)
District 27 (Foster)

A request to change from R10, R15, R20, and R40 to RS10, RS15, RS20, and RS40 districts properties located east of I-65 and west of Edmondson Pike, north of Hill Road and south of Briarwood Drive (1,359.61 acres), requested by Councilmember Greg Adkins for various property owners.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 1359.61 acres from R10, R15, R20, and R40 to RS10, RS15, RS20, and RS40 districts in the Crieve Hall area.

Existing Zoning

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

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.

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.

R40 district - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

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.

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

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

SOUTHEAST COMMUNITY PLAN POLICY

Residential Low Policy (RL) - RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

Residential Low Medium Policy - RLM policy is intended to accommodate residential (RLM) 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.

Residential Medium Policy (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.

Open Space Policy (OS) - OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

Policy Conflict - No. The proposed RS10, RS15, RS20, and RS40 districts are consistent with the Southeast Community Plan's RL, RLM, RM, and OS policies intending for residential development ranging from one to nine units/homes per acre, with the exception of the OS policy. The OS policy is intended for public benefit uses and are generally applied to existing public benefit uses such as the Ellington Agricultural Center along Edmondson Pike. This rezoning does not significantly alter the intensity of overall land uses within the area.

Out of the 1,583 properties, there are 38 vacant or other type of land use lots, 1,505 single-family lots, and 41 two-family dwellings.

The 41 two-family dwellings in this area will be considered nonconforming and will be allowed to remain. The Zoning Code states "a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction."

RECENT REZONINGS None.

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT - This rezoning is not expected to have a significant effect on student generation projections.

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

Councilmember Adkins spoke in favor of the zone change request. He stated that upon his election, he told the members of his community that as long as they have a majority to support various requests, he would propose changes. He stated that out of 1600 residents, the neighborhood association has obtained approximately 1000 signatures supporting this zone change request. He stated that there have been meetings regarding this request and those in attendance gave an overwhelming support.

Ms. Janice Sontany, 188 Chilton Street, spoke in support of the proposed zone change request.

Ms. Candy McCampbell, 5225 Stallworth Drive, spoke in opposition to the proposed zone change request.

Mr. Andy Flatt, 472 Hogan Rod, spoke in favor of the proposed zone change request.

Mr. Paul Martin, 5055 Marchant Drive, spoke in support of the proposed zone change request.

A resident of 515 Oakley Drive spoke in support of the proposed zone change.

Mr. Alan Procter spoke in support of the proposal zone change.

Mr. McLean requested additional clarification from Councilmember Adkins regarding the issue of neighbors have the opportunity to "opt out" of the requested zone change request.

Councilmember Adkins explained that if neighbors wanted to be eliminated from the requested zone change, they were asked to send him correspondence via e-mail or a written letter requesting to be removed from the proposed rezoning.

Mr. McLean questioned whether adequate notification of the rezoning was provided.

Councilmember Adkins stated that there were many neighborhood meetings, many mailings, and numerous posted signs indicating the requested zone change. He also stated that if there was a need to defer, he would be in favor of doing so, in order to make sure that everyone's needs were met regarding this zone change and time was not an issue.

Mr. Clifton questioned whether the requested rezoning was consistent with the policy.

Mr. Bernhardt explained the requested rezoning and its consistencies with the policy.

Mr. Ponder expressed concerns regarding the spot zoning that would be created in this area by those members of the community who would elect to “opt out” of the proposed rezoning.

Mr. Kleinfelter and Mr. Bernhardt explained the various outcomes resulting from this requested zone change in relation to the policy for this area.

Ms. Jones expressed a concern regarding consistency and other mass rezonings requested of the Commission.

Mr. Loring spoke in favor of the requested zone change request.

Small moved and Mr. McLean seconded the motion, which passed unanimously to approve zone change request 2005Z-025U-12. **(9-0)**

Resolution No. RS2005-146

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-025U-12 is **APPROVED. (9-0)**

The proposed RS10, RS15, RS20, and RS40 districts are consistent with the Southeast Community Plan’s RL, RLM, RM, and OS policies intending for residential development ranging from one to nine units/homes per acre, with the exception of the OS policy. The OS policy is intended for public benefit uses and are generally applied to existing public benefit uses. This rezoning does not significantly alter the intensity of overall land uses within the area.”

10. 2005Z-051T
Council Bill BL2005-630

A council bill to amend Sections 17.04.060 and 17.08.030 to create a definition for "animal hospital" and to allow animal hospitals in the IWD and IR zoning districts, sponsored by Councilmember Amanda McClendon.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend Zoning Code to add “Animal Hospital” as a “P” (permitted use) in the IWD and IR zoning districts.

ANALYSIS

Existing Law - The Zoning Code currently does not have a land use that encompasses the diagnostic testing, treatment, and convalescence of animals.

Proposed Text Change - The proposed amendment would add a new land use to the Zoning Code called “Animal Hospital” (see below). Such a facility would be permitted by right (P) in the IWD and IR zoning districts.

"Animal Hospital" means an enterprise for the care and treatment of the diseases and injuries of animals, and where animals may be boarded during their treatment and convalescence."

Analysis -This text amendment was prompted by a private group of veterinarians seeking a location in middle Tennessee for an “Animal Hospital.” The breadth of care, diagnostic testing, diagnostic imaging, and diagnostic services provided at such a hospital is currently available in the State of Tennessee at the University of Tennessee (Knoxville), and outside of Tennessee, but within a day’s drive, at Auburn University in Alabama. Given the number of pet and animal owners within the middle Tennessee area, such a facility in Nashville is appropriate.

Staff Recommendation - Approve. This text amendment provides a much needed medical service in the Nashville community.

Approved (10-0) *Consent Agenda*

Resolution No. RS2005-147

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-051T is **APPROVED. (10-0)**”

- 11. 2005Z-052U-12**
Map 161, Parcel a portion of 027
Subarea 12 (2004)
District 27 (Foster)

A request to change from R10 to OL district property located at 5433 Edmondson Pike, approximately 850 feet south of Brentwood Place (0.43 acres), requested by John M. Smith, owner.

Staff Recommendation - Approve with conditions, including that the applicant extend the existing cross access on parcel 229 across this property, as well as provide an ingress/egress easement to the rear of this property.

APPLICANT REQUEST - Request to change 0.43 acres from R10 to OL district zoning at 5433 Edmondson Pike, approximately 850 feet south of Brentwood Place.

Existing Zoning

R10 district: R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. A maximum of 1 lot is allowed on this property under R10 zoning.

Proposed Zoning

OL zoning: Office Limited is intended for moderate intensity office uses.

CRIEVE HALL/TUSCULUM COMMUNITY PLAN POLICY

Natural Conservation Policy (NCO) - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Residential Medium Policy (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.

Special Policy Area 8 of the Crieve Hall/Tusculum Plan - This special policy applies to the area on the west side of Edmondson Pike, north of the branch library (parcel 029), and the area may be developed in accordance with Residential Medium Density policy, or alternatively with ON Office Neighborhood or OL Office Limited zoning. The special policy calls for coordinated parking, access and building locations that enhance the environmental qualities of the site.

Policy Conflict - No. The proposed OL district is consistent with the OL policy as called for by Special Policy Area 8 of the Crieve Hall/Tusculum Plan, but not consistent with the Natural Conservation policy on this site just east of the stream.

Site access and stream - The applicant has indicated their intent to construct an office building on this property in conjunction with parcel 229 (already zoned OL), and has agreed to the consolidated joint cross access easement as mandated by Metro Public Works and the Planning Department. The Planning Department also requires that the applicant plat an ingress/egress easement for the existing building that is to remain at the rear of the property.

The site also has a stream that runs through the property, from the north to the south. The applicant has indicated the intent to grade in front of the stream, and upon development, a stream buffer shall be required by the Stormwater Department.

RECENT REZONINGS - Adjacent parcel 229 was approved by the Planning Commission for rezoning to OL on October 28, 2004, and was subsequently passed on third reading by the Metro Council on January 18, 2005.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. A TIS may be required at development.
2. Reserve Right-of-way as per the Major Street Plan.
3. Allow cross access to parcel 229 and 028.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Units per acre	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.43	3.7	2	28	11	4

Typical Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.43	0.201	3,765	107	14	83

Maximum Uses in Proposed Zoning District: OL

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.43	0.75	14,048	2199	57	466

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				79	3	79

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. RS2005-148

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-052U-12 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. A TIS may be required at development.
2. Reserve Right-of-way as per the Major Street Plan.
3. Allow cross access to parcel 229 and 028.

The proposed OL zone district is consistent with the OL policy as called for by Special Policy Area 8 of the

Crieve Hall/Tusculum Plan, but not consistent with the Natural Conservation policy on this site just east of the stream, or Residential Medium policy on the remaining portion of the site. The approval includes the conditions that the applicant extend the existing cross access on parcel 229 across this property, as well as provide an ingress/egress easement to the rear of this property.”

12. 2005Z-053U-08
Map 092-12, Parcel a portion of 18
Subarea 8 (2002)
District 19 (Wallace)

A request to change from R6 to CS district a portion of property located at 1800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and Dr. D.B. Todd, Jr. Boulevard (0.08 acres), requested by Phillip Piercy of Littlejohn Engineering, for William Witt, owner.

Staff Recommendation - *Disapprove CS, but approve OR20*

APPLICANT REQUEST - Request to change 0.08 acres from R6 to CS district zoning for a portion of property at 1800 Charlotte Avenue, on the northwest corner of Charlotte Avenue and Dr. DB Todd Jr. Boulevard.

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Urban Policy (NU) - NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development.

Watkins Park Detailed Neighborhood Design Plan Policy

Mixed Use in Neighborhood Urban (MxU in NU)- MxU in NU policy allows for many residential uses and envisions a compatible mixture of uses. It recognizes that the light mixed industrial areas, commercial uses and residential uses can coexist in the same neighborhood with appropriate design relationships.

Policy Conflict - The proposed CS is consistent with the Neighborhood Urban and MxU in NU policies only as it fulfills the commercial intent of these policies. However, CS allows automobile repair and automobile service, vehicular sales, laundry plants, general retail, and fast food restaurant uses (among others), which are more intensive commercial uses and less appropriate for this parcel, given the existing land use pattern. A rezoning to CS would also extend CS down Dr. DB Todd Boulevard, which is beyond the limits of the Community Center policy threshold that exists along Charlotte Pike.

Staff Recommendation - Given that the portion of the parcel proposed for rezoning is adjacent to existing OR20 zoning, OR20 would be a natural extension of this district, and would exclude the less intensive commercial uses as noted above. OR20 specifically allows medical office and parking uses, which the applicant has indicated is the development intent of the property.

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. A TIS may be required at development.

2. Reserve Right-of-way as per the major street plan.
3. Allow cross access to parcel 018 and 010.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total No. of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.08	6.18	0	0	0	0

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	0.08	0.420	1,464	436	13	39

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	0.08	0.6	2,091	1543	141	110

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				436	13	39

Disapprove CS, but approve OR20 as amended by applicant, (10-0) *Consent Agenda*

Resolution No. RS2005-149

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-053U-08 is **DISAPPROVED CS, BUT APPROVED OR20** as amended by the applicant. (10-0)

The proposed CS district that was originally proposed by the applicant is consistent with the Neighborhood Urban and Mixed Use in Neighborhood Urban policies only as it fulfills the commercial intent of these policies. However, CS allows several more intensive commercial uses that are less appropriate for this parcel, given the existing land use pattern. Given that the portion of the parcel proposed for rezoning is adjacent to existing OR20 zoning, OR20 is a natural extension of this district, and would exclude the more intensive commercial uses as noted above. The applicant amended this zone change application to request OR20 instead of CS.”

13. **2005Z-056T**
Council Bill BL2005-633

A council bill to amend Table 17.32.130D of the Zoning Code regarding the maximum size of on-premises signs oriented to a controlled access highway, sponsored by Councilmember J. B. Loring.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Amend Zoning Code to increase the number of signs along interstates and controlled-access highways.

ANALYSIS

Existing Law - The Zoning Code currently prohibits using a property's frontage, along a controlled-access highway such as Briley Parkway or an interstate, to be used in calculating sign area. Presently, only the lot/parcel's frontage along a street is used in such calculations. A lot's frontage is defined in the Zoning Code through its depiction in Section 17.040.060, Diagram 17.04E.

Proposed Text Change - The proposed amendment would permit either the lot frontage or the controlled-access highway frontage to be used in calculating sign area, whichever results in the largest sign area.

Amend Note 3 under Table 17.32.130D as follows:

Note 3: In addition to the number of ground signs permitted by Table 17.32.130D. [formerly 8.13], properties directly abutting a controlled access highway may install an additional on-premise ground sign along the frontage of that highway at the rate of one sign per one thousand feet of highway frontage. Such signs shall be spaced a minimum of one thousand feet apart. A sign oriented to a controlled access highway may be as large as the maximum size of a sign otherwise permitted by Table 17.32.130D. **A sign oriented to a controlled access highway may be as large as the greater of (1) the maximum size of a sign otherwise permitted by Table 17.32.130D, or (2) the maximum size of a sign otherwise permitted by Table 17.32.130D as determined by substituting 'Controlled Access Highway Footage Frontage in Feet', in lieu of 'Lot Frontage in Feet'.** The maximum height of a highway oriented sign shall be fifty feet as measured from the average grade of the sign foundation, or thirty feet above the finished elevation of the nearest travel lane of the highway, whichever is greater.

Analysis - The Zoning Code purposefully does not permit counting controlled-access highway frontage in sign calculations. If this amendment were adopted, many businesses with frontage on a controlled-access highway may be encouraged to install such signs. Those with smaller signs may be encouraged to install new and larger signs. There are 267 miles of interstate and controlled-access highways in Davidson County with 13,000 properties having frontage on them. This text amendment would likely increase the size and number of signs in Davidson County.

Staff Recommendation - Disapprove. This proposed text amendment will lead to a greater number as well as larger signs along interstates and limited-access highways in Davidson County. Where vehicles are driving at high-speeds, drivers should not be distracted by increased unusual larger clutter from and more frequent signs.

Single-Family

Non-Conforming Ordinance

(2005Z-057T; BL2005-631)

FACT SHEET

- 1) **What are the benefits of the bill?**
 - a. Provides property owners the ability to sell or refinance their property. Currently, owners or prospective buyers cannot get a mortgage because the Zoning Code does not permit the home to be rebuilt in the event it is involuntarily destroyed or damaged.
 - b. Provides more affordable housing options for buyers.

- 2) **How many single-family uses are located in non-residential zoning districts within Davidson County?**

1,003 properties

- 3) **What zoning districts are these single-family uses located?**

CN, CL, CS, CF, SCC, IWD, IR, and IG

- 4) **What zoning districts have the most non-conforming, single-family residential uses?**

Zoning District	# of Non-Conforming Single-Family Uses
-----------------	--

CS	476
IWD	257
CL	97
IR	76
CN	40
CF	23
OL	20
OG	12
IG	1
SCC	1
TOTAL	1,003

5) **Where are the properties located within the urban services district (USD) and general services district (GSD)?**

The great majority of these properties lie within USD (78%) with 22% in the USD.

6) **What council districts have the most non-conforming, single-family properties? What percentage of the total number of non-conforming, single-family residential properties do they represent?**

The five council districts listed in the table below contain 46% of all the properties within the county.

TOP FIVE COUNCIL DISTRICTS

Council District	Councilmember	# of Non-Conforming Single-Family Uses
17	Greer	168
2	Isabel	86
5	Murray	78
19	Wallace	69
11	Brown	59
	TOTAL	460

6) **By council district, how many non-conforming, single-family uses are there?**

See table below.

Council District	Councilmember	# of Non-Conforming Single-Family Uses
17	Greer	168
2	Isabel	86
5	Murray	78
19	Wallace	69
11	Brown	59
28	Alexander	58
20	Walls	55
8	Hart	42
9	Forkum	39
10	Ryman	39
24	Summers	36
15	Loring	32
21	Whitmore	32

16	McClendon	30
3	Craddock	27
35	Tygard	24
4	Baldwin-Tucker	22
6	Jameson	20
1	Gilmore	18
32	Toler	14
29	Wilhoite	12
33	Bradley	8
7	Cole	6
14	White	6
23	Whitson	6
13	Burch	4
27	Foster	4
31	Coleman	3
22	Crafton	2
30	Kerstetter	2
12	Gotto	1
26	Adkins	1
18	Hausser	0
25	Shulman	0
34	Williams	0
	TOTAL	1,003

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

Mr. Loring spoke in favor of the proposed text change. He stated that the proposed new maximum size of a sign that would be considered under this text amendment would be 480 sq. ft.; which is much smaller than a billboard sign which is 672 sq. ft. He also stated that these signs would have to be placed 1,000 feet apart. He requested approval.

Ms. Jones spoke in opposition to the proposed text amendment. She spoke of the need to reduce the number of signage along public streets and interstates.

Mr. Small spoke in opposition to the proposed text amendment. He stated that the existing signs are intrusive and can be considered dangerous. He was not in favor of approving the amendment.

Mr. McLean suggested amending the placement of signs as opposed to the actual sign sizes.

Mr. Bernhardt briefly explained the proposed amendment to the Commissioners.

Mr. Clifton mentioned that there were enough signs already located within the Metro area. He was not in favor of approving the amendment.

Ms. Cummings stated that she was not in favor approving additional signage.

Mr. Ponder moved, and Mr. Small seconded the motion, to disapprove zone change text amendment 2005Z-056T.
(8-1) No Vote -- Loring

14. **2005Z-057T**
Council Bill BL2005-631

A council bill amending various sections of the Zoning Code relative to permitting the rebuilding of any non-conforming, single-family dwelling located in a non-residential zoning district if damaged or destroyed involuntarily, requested by the Metro Planning Department and Codes Department and sponsored by Councilmembers Ronnie Greer and Ludy Wallace.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend Zoning Code to permit non-conforming single-family dwellings located in non-residential zoning districts to be rebuilt, within one year from the date of destruction, if involuntarily damaged or destroyed.

ANALYSIS

Existing Law -The Zoning Code currently does not permit a non-conforming single-family dwelling in the OL, OG, CN, CL, CS, CF, IWD, and IR districts to be rebuilt if damaged or destroyed by fire – regardless of cause.

Proposed Text Change - The proposed amendment would permit non-conforming single-family dwellings to be rebuilt, within one year from the date of destruction, if involuntarily damaged or destroyed.

The bill amends Section 17.40.650.E (Damage or Destruction of a Structure Containing a Non-Conforming Use), by adding the following as E.3:

3. In any non-residential district, any single-family dwelling that is damaged or destroyed involuntarily may be restored within one year of the date of damage, regardless of the percentage of damage or destruction. The setbacks of the original dwelling shall apply to any reconstructed residential dwelling.

Analysis - Increasingly, planning and codes staff have received phone calls from property owners, banks, or mortgage companies requesting “Official Zoning Letters” indicating a property is properly zoned to permit residential use. Providing such letters is not possible when the Zoning Code prohibits such uses. In the case of single-family dwellings located in non-residential zoning districts, there is no provision under local or state law for such homes to be rebuilt in the event of a fire, tornado, ice-storm, etc. Hence, banks and mortgage companies will not lend money to purchase these homes or refinance them. Unlike the protection afforded duplexes under state law, where they are considered “commercial” property for purposes of their non-conforming status, and hence can be rebuilt, single-family dwellings have no such protection.

There are 1,003 non-conforming single-family dwellings within Davidson County. That is, the zoning today permits commercial, retail, office, and/or industrial uses – but not residential. These 1,003 single-family dwellings have been continuously used as residences since they were constructed. Within the county, 73% of these homes lie within the CS district (476 homes) and IWD district (257 homes). Nearly 78% of the homes are located in the USD, and 46% of them (490 homes) are located in five council districts (Greer, Isabel, Murray, Wallace, and Brown). See attached fact sheet for further information.

Staff Recommendation - Approve. Provides property owners the ability to sell or refinance their property. Currently, owners or prospective buyers cannot get a mortgage because the Zoning Code does not permit the home to be rebuilt in the event it is involuntarily destroyed or damaged. The amendment also provides more affordable housing options for buyers.

Single-Family
Non-Conforming Ordinance
(2005Z-057T; BL2005-631)

FACT SHEET

- 1) **What are the benefits of the bill?**
 - a. Provides property owners the ability to sell or refinance their property. Currently, owners or prospective buyers cannot get a mortgage because the Zoning Code does not permit the home to be rebuilt in the event it is involuntarily destroyed or damaged.
 - b. Provides more affordable housing options for buyers.
- 2) **How many single-family uses are located in non-residential zoning districts within Davidson County?**
1,003 properties
- 3) **What zoning districts are these single-family uses located?**
CN, CL, CS, CF, SCC, IWD, IR, and IG

- 4) **What zoning districts have the most non-conforming, single-family residential uses?**

Zoning District	# of Non-Conforming Single-Family Uses
CS	476
IWD	257
CL	97
IR	76
CN	40
CF	23
OL	20
OG	12
IG	1
SCC	1
TOTAL	1,003

- 5) **Where are the properties located within the urban services district (USD) and general services district (GSD)?**
The great majority of these properties lie within USD (78%) with 22% in the USD.

- 6) **What council districts have the most non-conforming, single-family properties? What percentage of the total number of non-conforming, single-family residential properties do they represent?**
The five council districts listed in the table below contain 46% of all the properties within the county.

TOP FIVE COUNCIL DISTRICTS

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- 6) **By council district, how many non-conforming, single-family uses are there?**
See table below.

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16	McClendon	30
3	Craddock	27
35	Tygart	24
4	Baldwin-Tucker	22
6	Jameson	20
1	Gilmore	18
32	Toler	14
29	Wilhoite	12
33	Bradley	8
7	Cole	6
14	White	6
23	Whitson	6
13	Burch	4
27	Foster	4
31	Coleman	3
22	Crafton	2
30	Kerstetter	2
12	Gotto	1
26	Adkins	1
18	Hausser	0
25	Shulman	0
34	Williams	0
	TOTAL	1,003

Approved, (10-0) *Consent Agenda*

Resolution No. RS2005-151

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-057T is **APPROVED** with amendment to delete requirement that structure be destroyed by “involuntary means” before it can be rebuilt. (10-0)”

15.

2005Z-067U-10

Map 103-15, Parcels 36, 54
Subarea 10 (1994)
District 24 (Summers)

A request to change from CS, OR20, and RM40 to MUL district property located at 4301 Harding Pike, and 4313 Harding Pike (3.95 acres), requested by Tony Giarratana of BMT Holdings, LLC, for owner, Ridgefield Properties.

Staff Recommendation-*Approve with conditions, including a condition that prior to or in conjunction with the approval of this zone change on third reading at Council, the associated Harding-White Bridge Town Center Urban Design Overlay (the "Harding Town Center UDO"), or another design overlay containing the requirements of that UDO, is approved. If such an overlay is not adopted, then the recommendation is to disapprove.*

APPLICANT REQUEST - Request to change 3.95 acres from CS, OR20, and RM40 zoning to MUL district properties at 4301 Harding Pike and 4313 Harding Pike.

Existing Zoning

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

OR20 zoning: Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

RM40 zoning: RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

Proposed Zoning

MUL zoning: Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Mixed Use Policy (MU) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Mixed Use Area 8E in Green Hills/ Midtown Community Plan - This subsection of the Green Hills/Midtown Plan calls for a balance of residential, retail, and office uses.

Policy Conflict - The proposed MUL zoning is consistent with the Mixed Use policy intended for this site.

Staff Recommendation -his rezoning to MUL shall comply with the design provisions and conditions included in the Harding-White Bridge Town Center Urban Design Overlay (2005UD-001U-10) that was approved by the Planning Commission on February 10, 2005. The UDO provisions applicable to this property must be adopted by Council prior to or in conjunction with this proposed MUL zoning. If the UDO is not adopted, then a PUD or other design overlay must be adopted along with the proposed MUL zoning.

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. Development shall incorporate the roadway improvements identified in the Harding Town Center transportation plan or conduct a TIS prior to rezoning.

Typical Uses in Existing Zoning District: CS, OR20 and RM40

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.95	0.899	154,684	1864	265	253

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	3.95	0.616	105,990	7045	163	652

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	2.95	1.0	128,502	8,023	182	735

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Conv. Market (853)	1.0	0.2*	8,712	7367	397	528

*Adjusted as per use

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
--				5181	-102	399

METRO SCHOOL BOARD REPORT

Projected student generation * 2 Elementary 2 Middle 2 High

Schools Over/Under Capacity -Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. All three have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated February 3rd, 2005.

*The student generation figures were generated assuming a 1,500 square foot residential unit and the maximum FAR allowed by MUL.

Mr. Pereira presented and stated that staff is recommending approval with conditions, including a condition that prior to, or in conjunction with, the approval of this zone change on third reading at Council, the associated Harding-White Bridge Town Center Urban Design Overlay (the "Harding Town Center UDO"), or another design overlay containing the requirements of that UDO is approved. If such an overlay is not adopted, then the recommendation is to disapprove.

Ms. Jennifer Pennington, 3700 Woodlawn Drive, spoke in opposition to the proposal. She presented additional information to the Commission.

Mr. Irwin Venick, 3916 Kimpalong, spoke in favor of staff recommendations.

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

Mr. John Cooper 3925 Woodlawn Drive, requested that a traffic study be conducted for this proposal before approval.

Ms. Bell Newton, 3950 Woodlawn Drive, requested that a traffic study be conducted before approving the proposal.

Councilmember Summers spoke in favor of the proposal. He stated that the proposal is consistent with the UDO and will be less of an impact to the area. Councilmember Summers stated that he will continue to hold community meetings regarding the proposal and will also continue to work with those who are opposed to the development.

Mr. Ponder spoke in favor of the proposal.

Mr. Clifton acknowledged the confusion expressed by the constituents.

Mr. McLean acknowledged that Public Works has included a recommendation of a traffic impact study prior to rezoning, so he stated he would be in favor of approving the proposal.

Mr. Small wanted to make sure that the Belle Meade Theater was mentioned in the agreement and that it would be kept in place.

Mr. Bernhardt stated that this was in the agreement.

Ms. Jones acknowledged the intent of the UDO in relation to the area. She mentioned she would be in favor of approving the proposal.

Mr. Loring stated he was in favor of approving the proposal.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to approve Zone Change 2005Z-067U-10. **(9-0)**

Resolution No. RS2005-152

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-067U-10 is **APPROVED. (9-0)**

The proposed MUL zoning is consistent with the Green Hills/Midtown Community Plan’s Mixed Use policy and the Mixed Use Area 8E in the plan which calls for a balance of residential, retail, and office uses. This rezoning to MUL shall comply with the design provisions and conditions included in the Harding-White Bridge Town Center Urban Design Overlay (2005UD-001U-10) that was approved by the Planning Commission on February 10, 2005. The UDO provisions applicable to this property must be adopted by Council prior to or in conjunction with this MUL zoning. If the UDO is not adopted, then a PUD or other design overlay must be adopted along with the MUL zoning.”

X. PRELIMINARY SUBDIVISION PLATS

- 16. 2005S-095G-12**
Mt. Pisgah Hills
Map 172, Parcel 064
Subarea 12 (2004)
District 31 (Toler)

A request for preliminary approval for 5 lots abutting the north margin of Mt. Pisgah Road, at the northern terminus of Bryce Road, with a variance request for sidewalks (2.06 acres), classified within the RS10 District, requested by Genady Prutianov & Kanneth Chumbley et al, owners, Walter H. Davidson, surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat to May 12, 2005 at the request of the applicant. (10-0)

XI. FINAL PLATS

17. **2005S-026U-05**
Burkett Subdivision
Map 072-07, Parcel 100, 105
Subarea 5 (1994)
District 7 (Cole)

A request for final plat approval to create 2 lots abutting the north margin of Kenmore Place at the north terminus of Oxford Street, with a variance request for rear setback and sidewalks (2.31 acres), classified within the RS7.5 District, requested by Todd Burkett, owner, Tommy Smith surveyor.

Staff Recommendation - *Approve, including variance for lot size, but disapprove sidewalk variance.*

APPLICANT REQUEST - Final Plat

This request is to create 2 lots on 2.31 acres along the north side of Kenmore Place at the terminus of Oxford Street.

ZONING

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

SUBDIVISION DETAILS

Lot Comparability - 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 and frontage.

Lot Size Variance - Section 2-4.2 (D) of the Subdivision Regulations states that the proposed lot area is not to exceed three times the minimum lot size required by the Zoning Ordinance for the zone district where the proposed subdivision is located.

The zoning district in this area is RS7.5, which requires a minimum lot size of 7,500 square feet and the under the Regulations allows a maximum of 22,500 square feet. The plan proposes a 87,873 square foot lot for Lot 2, which exceeds the maximum lot size requirement under the Regulations.

Staff recommends approval of this variance. The existing parcel is 1.83 acres or 79,715 sq. ft., which already exceeds the maximum lot size requirement for RS7.5 zoning. This subdivision also creates a better situation since it would consolidate one parcel that has no street frontage into a lot with existing street frontage onto Kenmore Place.

Setback Variance -The existing house is located on the proposed Lot 1 of the subdivision, but it does not meet the rear setback requirement of 20 feet. The Board of Zoning Appeals (BZA) approved a setback variance on April 21,2005.

Sidewalk Variance -The applicant has a requested a variance for sidewalks on both Kirkland Avenue and Kenmore Place. Although sidewalks are shown on the plan, the applicant has confirmed that a sidewalk variance is being requested because of a guardrail that has been placed within the curve of Kenmore Place.

technical review comments.

APPLICANT REQUEST - Final Plat

This request is to create 2 lots along the east margin of 17th Avenue North, approximately 240 feet south of Herman Street (3.44 acres).

ZONING

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

SUBDIVISION DETAILS

This subdivision proposes to resubdivide three parcels into two lots (Lot 1 (2.89 acres) and lot 2 (0.89 acres)). Lot 1 has frontage on 17th Avenue North, while lot 2 does not have frontage on 17th Avenue North. The existing structure on lot 2 will remain.

Sidewalks - As this is in the Urban Services District and there is an existing sidewalk on a portion of the property frontage along 17th Avenue North, sidewalk extensions must be constructed to fill in the current gaps, as well as sidewalk repairs to bring the existing sidewalk up to the Metro standard. This has been indicated on the plat.

Lot frontage requirement - Subdivision Regulation 2-4.2 states that each lot should have lot frontage on a public street or private street (where permitted), and flag lots shall not be generally permitted.

The applicant has proposed the continuing use of an existing joint access easement (i.e. shared driveway) along the southern boundaries of lot 1 and 2. Public Works has required that this joint access drive be limited to the exclusive use by lot 2.

Lot frontage variance request - The applicant has requested a variance from having public street frontage for one of the two lots created with this plat. While the proposed Lot 1 has street frontage on 17th Avenue North, the proposed Lot 2 does not.

Section 1-10 of the Subdivision Regulations addresses the conditions that must apply for the Planning Commission to grant a variance. If “the conditions upon which the request for a variance are based are unique to the property for which the variance is sought,” and they are “not applicable generally to other property,” a variance may be granted. This property is uniquely located between two railroad tracks (the Louisville and Nashville Railroad on the south and the Illinois Central Gulf Railroad on the north), and there is a proposed 25’ joint access easement parallel to the southern railroad for Lot 2. Section 2-4.2 of the Subdivision Regulations requires a 25-foot buffer along railroad tracks in residential districts. While this is a mixed use district and lot 1 is to be developed as multifamily housing, this 25-foot joint access drive can act as a buffer between Lot 1 on the north and the railroad on the south. In addition, the structure on lot 2 is to remain.

Another factor to consider in granting a variance is the hardship the owner will experience if not granted a variance. The applicant has indicated the developer’s intent to construct a 90-unit brick apartment complex for medium and low-income families on Lot 1. Without the variance that allows Lot 2 to not have lot frontage, the project would be limited to 48 units, a substantial reduction. In addition, this area is largely industrial and the developer intends to encourage area revitalization.

Based on these considerations, staff recommends approval of the requested variance for the street frontage requirements to allow Lot 2 to have no street frontage. This site has unique conditions not generally applicable to other properties, and therefore meets the technical requirements for a variance.

PUBLIC WORKS’ RECOMMENDATIONS - No Exceptions Taken.

STORMWATER DEPARTMENT RECOMMENDATIONS-Plat was deemed sufficient for technical review on 4/6/05. The Stormwater reviewer has indicated that comments will be forthcoming prior to the April 28, 2005, Commission meeting.

CONDITIONS IF APPROVED:

1. Final plat must comply with all conditions of the Stormwater Department.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-154

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-048U-08 is **APPROVED WITH CONDITIONS, including a variance for lot frontage and that the applicant fully comply with the Stormwater Department’s technical review comments. (10-0)**

Conditions of Approval:

1. Final plat must comply with all conditions of the Stormwater Department.”

19. 2005S-096U-10
 Lindawood Corner
 Map 131-01, Parcel 088
 Subarea 10 (1994)
 District 34 (Williams)

A request for final plat approval to create 2 lots abutting the southeast corner of Lindawood Drive and Castleman Drive (0.91 acres), classified within the R20 District, requested by HR Properties, owner, Cherry Land Surveying, surveyor.

Staff Recommendation - *Disapprove*

APPLICANT REQUEST - Final Plat

This request is to create 2 single-family lots on 0.91 acres at the corner of Lindawood Drive and Castleman Drive.

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.

SUBDIVISION DETAILS

Lot Comparability -Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability test was conducted and both lots fail for lot area and lot frontage. The required lot area was determined to be 31,155 sq. ft., while the required lot frontage is 126 feet. The lots are proposed for 20,128 and 20,044 sq. ft., while the lot frontage is proposed for 100 feet on lot 1B and 90 feet on 1A.

Staff recommends disapproval of a lot comparability waiver since the proposed lots are not consistent with the land use policy in the area. With respect to this area, the current Subarea 10 plan recommends that “the prevailing character and densities of these areas be conserved. Any resubdivisions should result in densities close to what exist in the surrounding area” (p.50). The subarea plan also calls for Residential Low policy, which is intended for residential development within a density range of one to two units/homes per acre.

Sidewalks Sidewalks are required since the property is located within the Urban Services District, however, they are not shown on the plat. If the subdivision is approved, the applicant can either construct the sidewalks or make a financial contribution in lieu of constructing the sidewalks to Metro Government. The plat must be revised either to show the sidewalk, or a note must be added to indicate that the required fee has been paid.

PUBLIC WORKS RECOMMENDATION - No Exception Taken.

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

Mr. Shawn Henry, attorney, spoke in favor of the proposal.

Mr. John Brittle, 5474 Franklin Pike, spoke in support of the proposal and submitted additional information to the Commission.

Mr. Scott Haley, developer, spoke in support of the proposal.

Mr. Ponder stated he was in favor of staff recommendation on this proposal.

Mr. Clifton requested clarification on staff's recommendation.

Ms. Harris stated that upon review of the proposed subdivision, they found that the development did not meet lot comparability.

Mr. McLean acknowledged the petition presented to the Commission by Mr. Brittle. He stated that the development does meet the subarea plan, but did not meet lot comparability. He was unsure as to which way he would vote on this proposal.

Mr. Small stated that the proposal would not be comparable to the existing area. He was in favor of staff recommendation.

Ms. Jones spoke in opposition to approving the proposal.

Mr. Lawson mentioned that staff utilized specific language from the Subarea 10 plan that would disapprove this development.

Mr. Loring spoke in favor of the proposal. He agreed that two single family homes would be appropriate for the area.

Mr. Ponder moved and Mr. Small seconded the motion, to disapprove Final Plat 2005S-096U-10. **(8-1) No Vote - Loring**

Resolution No. RS2005-155

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-096U-10 is **DISAPPROVED. (8-1)**"

XII. PLANNED UNIT DEVELOPMENTS (revisions)

- | | |
|------------|---|
| 20. | 122-83-U-12
The Woodlands, Phase 1B, 2 & 3
Map 172, Parcel 179
Subarea 12 (2004)
District 31 (Toler) |
|------------|---|

A request for final approval for a residential Planned Unit Development located at the southern terminus of Woodlands Avenue, classified R15, (52.62 Acres), to permit 112 single-family lots, requested by Civil Site Designs for Prestige Homes, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 122-83-U-12 indefinitely at the request of the applicant. (10-0)

21.

310-84-G-03

Hemphill Brothers Coach
Map 40, Parcels 30, 31, and 165
Subarea 3 (2003)
District 3 (Tucker)

A request to cancel the Commercial (General) Planned Unit Development located abutting the north margin of Old Hickory Boulevard and the west margin of Interstate 24, classified CS, (8.98 acres), approved for the development of a 14,400 square foot motor coach conversion shop, requested by Dale and Associates, applicant for Hemphill Brothers Coach Co., owners.

Staff Recommendation-Approve with conditions

APPLICANT REQUEST - Cancel PUD

Request to cancel an existing Planned Unit Development, approximately 8.98 acres in size, located along the north side of Old Hickory Boulevard, just west of Interstate 24.

DETAILS OF REQUEST

History The approved preliminary PUD plan allowed for the construction of a 20,000-square foot custom coach (bus) sales and service facility. In 1994, the PUD was revised to construct such facility, but was only constructed on parcel 30. In May of 2004, the Planning Commission approved a request to cancel a 4 acre portion of the PUD (Parcel 028). This request will cancel the remainder of the PUD.

Subarea 3 Plan Policy The subject site is located within Commercial Mixed Concentration (CMC) calling for major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices.

Recommendation Because the current zoning of the property, Commercial Services (CS), is consistent with the CMC land use policy, staff recommends approval of the request to cancel the remaining portion of the existing Planned Unit Development.

PUBLIC WORKS RECOMMENDATIONS: Public Works comments for a PUD cancellation are as follows:

1. Existing driveway for this PUD shall be a shared driveway with any new development. No additional driveway will be allowed.
2. An access study will be required at development of undeveloped parcel.

CONDITIONS- All conditions listed under “Public Works Recommendations” are recommended by staff as conditions of approval for cancellation of this PUD.

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-156

“BE IT RESOLVED by The Metropolitan Planning Commission that 310-84-G-03 is **APPROVED WITH CONDITIONS. (10-0)**”

Conditions of Approval:

1. Existing driveway for this PUD shall be a shared driveway with any new development. No additional driveway will be allowed.
2. An access study will be required at development of undeveloped parcel.”

22.

60-86-P-14

North Lake Village Shopping Center
Map 86, Parcels 89, 316, 332, 336
Subarea 14 (2004)
District 12 (Gotto)

A request to revise the preliminary and for final approval for a Commercial Planned Unit Development district located along the east side of Old Hickory Boulevard, classified SCC, (21.60 acres), to permit an 4,305 square foot bank, a 6,097 square foot restaurant, and 3,600 of new retail space replacing an existing restaurant in the existing shopping center, which includes 164,528 square feet of floor area, requested by Civil Site Design Group, for North Lake Village Shopping Center, LCC.,

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST -Revise Preliminary and Final PUD

Revise the preliminary master plan and final approval for a Planned Unit Development district (Northlake Village) to permit the construction of a 4,305 sq. ft. bank, to include 22 additional parking spaces, a 6,097 sq. ft. restaurant, and an additional 3,600 sq. ft. of retail space.

PLAN DETAILS - Applicant proposes to construct a 4,305 square foot bank (Fifth Third), and demolish an existing structure, to be replaced with a 6,097 sq. ft. restaurant (Panera Bread), and 3,600 sq. ft. of retail space.

As proposed the bank will include 4 drive-through teller lanes, and 22 additional parking spaces. The proposed design incorporates 2 striped, raised crosswalks, which should enhance pedestrian movement between uses within the area of the proposal. The development was approved for 203,189 sq. ft. in 1991. The current proposal will bring the total area of the development to 168,883 sq. ft. While the current proposal increases the total retail area over 16,853 sq. ft., which was approved in 1999, it does not exceed the approved total area of 203,189 sq. ft.

TRAFFIC PUBLIC WORKS RECOMMENDATION -No Exceptions Taken

STORMWATER RECOMMENDATION

1. Provide easement and easement dedication for water quality unit.
2. Sign EPSC note.
3. BMP details to reference regulations as specified in Stormwater Management Manual 4.
4. Add note to grading or detail sheet: "As-builts are required for underground detention and water quality structures prior to issuance of the U&O permit. Certification must include, at a minimum, the following information:
 - a. Manufacture and model number of unit;
 - b. Sales receipt;
 - c. Attached shop drawings of installed unit;
 - d. Date of field inspection by Engineer (before backfilling structure);
 - e. Engineer stamp and date;
 - f. Remove 'or equal' from the stormceptor detail.
 - g. Calculations faxed on 3/23/05 must have professional stamp on the cover sheet.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

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

Approved with conditions, **(10-0) Consent Agenda**

Resolution No. RS2005-157

"BE IT RESOLVED by The Metropolitan Planning Commission that 60-86-P-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Provide easement and easement dedication for water quality unit.
2. Sign EPSC note.
3. BMP details to reference regulations as specified in Stormwater Management Manual 4.
4. Add note to grading or detail sheet: "As-builts are required for underground detention and water quality structures prior to issuance of the U&O permit. Certification must include, at a minimum, the following information:
 - Manufacture and model number of unit;
 - Sales receipt;
 - Attached shop drawings of installed unit;
 - Date of field inspection by Engineer (before backfilling structure);
 - Engineer stamp and date;
 - Remove 'or equal' from the stormceptor detail.
 - Calculations faxed on 3/23/05 must have professional stamp on the cover sheet.
5. 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.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. 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.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until

four copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. 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 re-approval by the Planning Commission.”

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23. **2004P-021U-12**
Presidents Reserve at Brentwood PUD
Map 160, Parcels 81, 83, and 84
Subarea 12 (2004)
District 31 (Toler)

A request to revise the preliminary and for final approval for a Planned Unit Development district located along the south side of Old Hickory Boulevard, and the east side of Cloverland Drive, classified MUN, (3.88 acres), to permit 16 condominium units and 12,960 square feet of office uses, requested by Daniel Burton, owner.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2004P-021U-12 to May 12, 2005 at the request of the applicant. (10-0)

XIII. OTHER BUSINESS

24. Contract renewal for Cynthia Wood and new contract for Leslie Thompson

Approved (10-0) *Consent Agenda*

25. Adoption of revised Planning Commission rules.

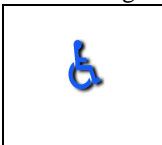
Mr. Lawson requested that the Commission review the Revised Planning Commission rules and submit any deletions, or addition to Mr. Kleinfelter.

26. Executive Director Reports

27. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 8:30 p.m.



Chairman

Secretary