



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

May 26, 2005

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilmember J.B. Loring

Staff Present:

Ann Hammond, Assistant Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Adriane Harris, Planner II
Bob Leeman, Planner III
Luis Pereira, Planner I
Jason Swaggart, Planner I
Cynthia Wood, Planner III

Commission Members Absent:

Doug Small, Vice Chairman
Phil Ponder, representing Mayor Bill Purcell

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Mr. Kleinfelter announced that Item #11 should include Parcel 344.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Agenda as corrected and presented. **(6-0)**

III. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman thanked the Commission for their service to the Community. He reminded the Commission of the proposed annexation for his district and requested their approval.

Councilmember White stated he would address the Commission after Items #5 and 6 (2004Z-020U-14, 2004P-007U-14) were presented.

Councilmember Tygard spoke in favor of Items #12 and 13 (2005Z-079G-06, 84-85-P-06) He stated that there have been many productive community meetings and requested approval.

Councilmember Shulman stated he was just informed that Item #17 2005S-135U-10 was deferred indefinitely. He had no other items on the agenda.

Councilmember Toler stated that he had items on the deferral list as well as the consent agenda. He stated he would address the Commission if these items were removed from these agendas.

Ms. Cummings arrived at 4:10 p.m.

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 PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

3. 2005S-125G-10 A request for final plat approval to create 12 lots located along the east side of Granny White Pike, (12.66), classified within the R40 district – deferred indefinitely at the request of the applicant
7. 2005Z-056BT A council bill to amend Section 17.32.050 of the Zoning Code to permit signs with graphics or electronic displays along a four-lane or controlled access highway – deferred to June 9 at the request of the applicant.
10. 2005Z-077G-12 A request to change from AR2a to MUL district property located at 6220 Nolensville Pike, south of Lenox Village Drive – deferred to July 28, 2005 at the request of the applicant
14. 2005S-136U-10 A request for preliminary plan approval to create two lots abutting the northeast corner of Trimble Road and LaVista Drive (.99 acres), classified within the R20 District – deferred indefinitely at the request of the applicant
15. 2005S-138G-12 Jackson Valley - A request for preliminary plan approval for 44 lots abutting the east margin of Nolensville Road – deferred indefinitely at the request of the applicant
16. 2005S-105G-12 A request for final plat approval to create 15 lots abutting the southeast corner of Bryce Road and Mt. Pisgah Road (5.0 acres) including a sidewalk variance request, classified within the RS10 District – deferred to June 9, 2005
17. 2005S-135U-10 A request for final plat approval to create 2 lots abutting the east margin of Belmont Park Terrace, approximately 200 feet of Shackelford Road (0.90 acres) classified within the R10 District – Deferred indefinitely at the request of the applicant
20. Adoption of revised Planning Commission rules – Withdrawn

Ms. Nielson and Mr. McLean seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. (7-0)

V. PUBLIC HEARING: CONSENT AGENDA ZONING MAP AMENDMENTS

8. 2005Z-074T A council bill to amend Chapter 17.12 of the Zoning Code to increase the size of accessory buildings permitted in a required setback from 600 square feet to 700 square feet - Approve

11. 2005Z-078U-09 A request to change from IG to MUI district property located at 714, 722, and 726 4th Avenue North, 315 Harrison Street, Criddle Street (unnumbered), 705 and 709 3rd Avenue North - Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions)

18. 295-84-G-14 The Park at Hermitage - A request for a sign variance within an existing Residential Planned Unit Development district located along the east side of Old Hickory Boulevard, south of Interstate 40 in Hermitage, to permit a variance to section 17.32.080 of the Zoning Code requiring a minimum setback of 15 feet - Approve
19. 2004P-027G-06 Bellevue KFC - A request for a variance in front setback for a monument sign in a Planned Unit Development district located abutting the south side of Highway 70 S, and the north side of Old Harding Pike, associated with a 3,125 square foot fast-food restaurant - Approve

VI. BELLEVUE COMMUNITY PLAN: 2003 UPDATE

Ms. Wood presented and stated that staff is recommending approval of the Bellevue Community Plan: 2003 Update.

Staff Recommendation - Approve

APPLICANT REQUEST - Change the land use policies to add a Special Policy for certain parcels that would permit the development of small offices under certain conditions for approximately 387.11 acres for property located along Tolbert Road, Old Hickory Boulevard, and Highway 70S

Existing Land Use Policies

Residential Low Medium Density - RLM policy supports residential development at (RLM) densities between 2 and 4 housing units per acre. A variety of housing types is appropriate in RLM areas as are secondary uses such as churches and schools.

Residential Medium Density (RM) - RM policy supports residential development at densities between 4 and 9 housing units per acre. A variety of housing types is appropriate in RLM areas as are secondary uses such as churches and schools.

Natural Conservation (NCO) - NCO policy is designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

Proposed Land Use Policy

Special Policy Language - The special policy language for the properties in question would allow for the development of small offices under certain conditions.

ANALYSIS - Staff has been working with the three District Councilmembers and community representatives for several months on a special policy that would allow small offices to be developed at appropriate sites along the

Highway 70S and Old Hickory Boulevard (including Tolbert Road) corridors. The Councilmembers have expressed two reasons for pursuing this policy amendment. One is to provide a compatible alternative to additional multifamily development along those corridors. Another is to help diversify Bellevue's economy by adding more daytime workers to the area.

Staff has worked with the community over three community meetings to select appropriate locations for small offices and to develop the Special Policy. Over 100 people participated in the meetings, which were held at the Bellevue Middle School theater. The properties that were selected for the Special Policy were either undeveloped or developed with single family homes and contained some areas of level topography where the offices can be placed.

Staff recommends approval of the following Special Policy for the properties shown on the map that is included with this staff report:

Special Policy 7 applies to certain properties along Tolbert Road, Old Hickory Boulevard, and Highway 70S that are identified on the accompanying map and on a list of properties maintained by the Metropolitan Planning Department. The Special Policy is to allow small offices to be built on these properties under certain conditions. The purposes of this Special Policy are twofold:

To help diversify Bellevue's economy and support its retail sector.

To provide a compatible alternative to additional multifamily development with appropriate design guidance to preserve and enhance the scenic environment that is one of Bellevue's chief assets.

The conditions under which small offices may be built on these properties are:

1. *A Planned Unit Development is required*
2. *The base zoning district that may be used is Office Neighborhood*
3. *Steep slopes are not to be developed unless the property in question has no areas of level topography, which is true of very few of these parcels*
4. *Lighting should be directed away from residences*
5. *Signage should be scaled to be compatible with the residential environment that predominates along these corridors. It should be monument signage with ground lighting only*
6. *Access to fronting roads shall be strictly limited. New development shall provide cross access easements for interconnectivity among parcels except where cross connections cannot be physically accomplished.*
7. *Because of the scenic nature of the Tolbert Road, Highway 70S and Old Hickory Boulevard corridors and the importance of compatibility with residential development in the area, landscaping should exceed the standard requirements of the zoning code in parking areas abutting the streets and areas abutting residential development*
8. *For the same reasons as stated in the bullet point above, tree preservation should also significantly exceed the standard requirements of the zoning code, especially along roadways and areas abutting residential development*
9. *It is recommended that buildings be constructed of brick and stone*
10. *It is recommended that dumpsters be completely screened with brick or stone walls, with wood only to be used for gates and that wherever possible, dumpsters shall not be visible from the street*
11. *To the extent feasible, parking areas shall be located to the sides and rears of buildings.*



Councilmember Tygard commended Ms. Wood for her hard work on this proposal. He stated that due to the many informative community meetings that were hosted by Ms. Wood, many of the community members were in favor of approving the 2003 update.

Ms. Nielson moved and Mr. Lean seconded the motion, which passed unanimously to approve the Bellevue Community Plan: 2003 Update. (7-0)

Resolution No. RS2005-187

“BE IT RESOLVED by The Metropolitan Planning Commission that the Bellevue Community Plan: 2003 Update is **APPROVED. (7-0)**”

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING PRELIMINARY SUBDIVISION PLATS

1. **2005S-051G-06**
Avondale Park
Map 141 Parcel 10
Map 140, Parcels 016, 069, 074, 075
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval to create 564 lots on the south side of I-40 east, on the west side of Coley Davis Road (262 acres), classified within the AR2a and RS15 districts, requested by Avondale Park Partnership, owners, Civil Site Design Group, engineer.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary Plat

Subdivide approximately 262 acres into 564 single-family lots along the north side of McCrory Lane and the south side of Interstate 40.

(Additional Information added since May 12, 2005, Commission meeting)

At the June 27, 2002, Planning Commission meeting, the Commission recommended disapproval of RS10 zoning, but approval of RS15 zoning for this property. The Commission’s recommendation further stated that “[t]he “council bill should be amended with conditions that roads being accessed are improved to Metropolitan Department of Public Works standards, a traffic impact study is submitted with development if multiple roads are accessed, and an elementary school site is offered for dedication.”

The council bill was not amended to include the conditions stated above.

ZONING

RS15 District - RS15 district, requiring a minimum lot size of 15,000 square feet and intended for single-family dwellings at an overall density of 2.47 dwelling units per acre. The RS15 district would permit a maximum of 647 single-family lots, while 564 are proposed.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 size lots (minimum 7,500 sq. ft. lots).

Pursuant to Section 17.12.080 (D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 116 acres of open space (44%), which complies with this provision.

SUBDIVISION DETAILS

Access - The project proposes one main access point via a public road from McCrory Lane, and one secondary emergency access under Interstate 40 to Newsom Station Road. The plan also proposes 222 lots on the north side of the CSX Railroad line that bisects the property. This plan proposes a bridge over the railroad track that will be constructed by the developer.

Staff recommends disapproval of the proposed plan since it does not comply with the adopted Major Street Plan, which calls for a bridge connection over the Harpeth River to Coley Davis Road (Figure 6, page 45). Furthermore, it is not consistent with Priority Four under the Infrastructure Transportation portion of the Bellevue Community Plan, which states: "Pursue connectivity of roads to disperse traffic, decrease congestion" (Page 11). A secondary point of access to this proposed subdivision is needed to reduce traffic congestion on McCrory Lane and to disperse traffic. It is also needed to allow this subdivision to function safely.

Following significant neighborhood discussion during the Subarea Plan Update in 2003, the Planning Commission amended the Long Range Transportation plan calling for the connection of Coley Davis Road over the river at this location. Staff has requested the applicant to revise the plan to provide either a bridge connection or a full-service, secondary access point at another location so all 564 lots have more than one primary point of access. As of the writing of this staff report, the applicant has not provided this second access point.

School Site Dedication - The plan also proposes a seven acre school site dedication along the frontage of McCrory Lane at the entrance to this subdivision. The Metro School Board has agreed to the proposed location, but with a requirement for a 10 acre site. Planning staff has received the following requests from the Metro School Board staff:

1. School site increased to 10 acres with drawing showing it.
2. Option to contribute to the School Board the equivalent of the cost of 10 acres, which would be the value (price per acre), paid for the property. Planning staff recommends dedication of a school site but does not recommend the monetary contribution option.

Greenway Easement - The required Greenway/Conservation Easement is provided along the Harpeth River. Metro Greenways is requesting that the proposed trail along the main entrance road be extended to the river and along the Harpeth River on this property.

VariANCES - Section 2-6.1 (Sidewalks)

The applicant is requesting a variance to the sidewalk provisions of the Subdivision Regulations for the main entrance road into the project. The Regulations require sidewalks along both sides of all new roads, while the plan only proposes one on the west side of the main entrance road. The plan proposes a 6-foot wide meandering trail along the east side of the main entrance road, which leads to the development and possibly to the future greenway along the Harpeth River. Staff supports the proposed variance since adequate pedestrian connectivity is provided.

TRAFFIC PUBLIC WORKS' RECOMMENDATION

1. Approvals are subject to Public Works approval of construction plans.
2. Show and dimension right of way along McCrory Lane at property corners. Label and dedicate right of way 30 feet from centerline, [when applicable the following] and amount necessary to accommodate required turn lane(s). Label and show reserve right of way strip 58 feet from centerline to property boundary, consistent with the approved major street plan (S4 - 116' minimum functional ROW).
3. Revise roadway detail: Residential High Density Roadway. Show pavement schedule per Metro ST-253 Residential - Medium Density Collector or High Density Local Street.
4. Show proposed road names and classifications of all proposed streets.
5. Show centerline horizontal curve data for the public streets. Include a minimum of four (4) references.

6. The minimum centerline radius of curved segments shall be in accordance with the AASHTO Manual, current edition.
7. Placement of sidewalks shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, latest revision. Show sidewalk, as required by Planning. Sidewalks to be constructed per Metro ST-210: Sidewalk Construction.
8. Locate asphalt trail outside of right of way.
9. Show and dimension right of way radius at all circular turnarounds. Right of way of all circular turnarounds to accommodate edge of pavement, curb and gutter, 4' grass area / furnishing zone, and 5' sidewalk.
10. Label alley as public or private.
11. Above grade crossings will require Public Works approval of bridge plans. Approvals to include agreement with railroad, and Metro Council approval.
12. Developer shall construct a collector cross section with median for the main access road. Median shall be redesigned in order to provide appropriate alignment and sight distance if a future traffic signal is installed at the intersection of the access road and McCrory Lane. This cross section shall allow the future installation of northbound left turn lane striping on the access road at the new school access driveway.
13. Dedicate ROW 30 feet from centerline and additional ROW as necessary for required eastbound left turn lane on McCrory lane, (S4) classification.
14. Developer shall construct a 3-lane cross-section with transitions per AASHTO standards, along McCrory lane property frontage and install an eastbound left turn lane with 125 ft of dedicated storage at the intersection with project access road.
15. Developer shall construct 2 exit lanes with 200 feet of storage and transitions per AASHTO design on access road at McCrory lane.
16. Install northbound dedicated left turn lanes with 75ft of storage on Access Rd. at intersections with cross streets.
17. Bridge over railroad shall be designed to provide adequate sight distance and a minimum of two 12 ft wide travel lanes with 6 ft shoulders and sidewalks on each side. Final design to be per the approved construction plans. Bridge design and construction shall be coordinated with the Railroad Company.
18. Traffic circles will be allowed only at street intersections. Road design around landscape islands shall be in accordance with PW standards.
19. It is desirable to provide a secondary access due to the number of lots (564). Developers shall determine the feasibility of an additional access point from McCrory lane along the proposed school site property and intersecting with an internal residential street. If a different secondary access is required by MPC, then additional analysis shall be required to study the impacts of the revised traffic distribution and conditions may be modified.
20. Allow cross-access to eastern property in the vicinity of the 1st intersecting road with main access road.
21. Developer shall construct a southbound left turn lane with 150 ft of storage on McCrory at the eastbound interstate ramps by relocating guardrails and widening McCrory Lane.
22. The developer shall construct a northbound left turn with 100 feet of storage on McCrory lane at the I-40 westbound ramp by relocating guardrails and widening McCrory Ln.

23. Developer shall remove vegetation at the Poplar Creek Rd /McCrorry lane intersection in order to provide adequate sight distance in coordination with Metro Public Works.
24. Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50% (282 lots), 75% (423 lots), and 100% (564 lots) of project, or as required by the Metro Traffic Engineer. Upon approval by the Metro Traffic Engineer, Developer shall install a traffic signal at access road and McCrorry Lane. Developer shall submit signal plan for approval.
25. Construct standard alley pavement width. The alleys shall satisfy PW standards in order to accommodate refuse trucks. The alley is too close to the road intersection and shall be a minimum of 50 ft from the intersection.
26. Provide adequate access to proposed Greenway and provide area for adequate parking for future Greenway.
27. Clarify continuation of ROW which is being abandoned on sheet C1.02

CONDITIONS (If Approved)

1. All traffic conditions listed above must be completed or bonded prior to the recording of the first final plat, unless a specific phasing plan is approved by Public Works and the Planning Department.
2. A school site should be offered for dedication that is acceptable to the Metro School Board, prior to or in conjunction with the first final plat.
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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
4. If larger turnarounds are necessary to meet Fire Marshal requirements, the total number of lots may be reduced to accommodate these revisions.
5. All alleys must meet Metro Public Works and Fire Marshal standards, and shall provide mid-block access to a public street, in addition to the access points shown.

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

Councilmember Tygard stated that he has met with the applicants and is familiar with their request. He spoke in support of their request. He mentioned that there is a 10 acre school site dedication that is included in the proposal in which the Metro School Board will need to address its location. He requested approval of the applicant's request.

Mr. Nick Psillas, 414 Bridge Street, spoke in favor of the proposal.

Mr. Rob Porter, Civil Site Design Group, spoke in support of the proposal.

Mr. Bob Murphy, RPM Transportation, spoke in support of the proposal.

Ms. Ronda Taylor, 8161 Coley Davis Road, spoke in support of the proposal.

Mr. Jack Allen, 709 Waterbury Point, spoke in opposition to the proposal due to connectivity.

Mr. Michael Smith, 1646 Eran Lane, spoke in support to the proposal.

Mr. Dwayne Evans, 8833 Old Charlotte, mentioned traffic concerns contained associated with the proposal.

Mr. Fann Motley, 8201 McCrory Lane, spoke in support of the proposal.

Ms. Heather Ray, 351 Sam Ridley Pkwy, E, spoke in support of the proposal.

Mr. Tom White, Tune Entrekin & White, spoke in support of the proposal as submitted by the applicant.

Mr. Tyler acknowledged the additional options presented to the Commission by the developers. He mentioned the connectivity issues associated with the proposal.

Mr. McLean requested additional information regarding a similar development in relation to this proposal.

Mr. Leeman explained the similarities and differences between the Riverwalk Subdivision and the current proposed development.

Mr. McLean spoke in favor of the diversity of the proposal, as well as the greenways and the dedicated school site. He mentioned also that the current subdivision regulations do not require more than one access point for subdivisions.

Mr. Leeman explained that the subdivision regulations do require connectivity. He further explained that staff's recommendation to disapprove is based on the fact that there are not any roads proposed in the development to accommodate the connectivity issue.

Mr. McLean stated that the subdivision regulations have been met with the access point that has been proposed and he would not be in favor of requiring the developer to build a bridge for access.

Mr. McLean requested additional information regarding the safety issues and the response from the Fire Marshal's response to the proposal.

Mr. Leeman explained that the Fire Marshal's office is still reviewing the development as proposed.

Ms. Nielson stated that she was not certain that all of the issues previously mentioned by the Commission have been addressed by the developer.

Ms. Jones expressed many issues with the topography of the land. She acknowledged that the developer has tried to adhere to the various requests placed on the proposal.

Mr. Loring mentioned that the developer has gone the extra mile to accommodate the requests of the staff. He stated that his concerns regarding this proposal have diminished.

Mr. Loring moved and Mr. McLean seconded the motion, to approve preliminary plat 2005S-051G-06 to include the modified access points submitted by the developer, and to include all other appropriate conditions mentioned by staff, as well as the traffic conditions submitted by the Public Works department.

Mr. Kleinfelter offered to the Commission that there is still an issue with the CSX easement included in the proposal.

Ms. Holleman explained that the CSX is a license agreement and that it clearly states that it is not assignable to any other party. She also stated that this could be amended by another written document, but thus far, has not received or reviewed any such document.

Mr. Lawson stated that if there is such an amended document, then the document must be submitted staff members for their review.

Mr. Lawson questioned Mr. Tom White, of Tune Entrekin & White as to whether there was an amended document that could be presented to staff regarding the CSX easement.

Mr. White stated he did have an amended document that would explain the easement issues associated with the proposal. He also stated that he will make the proposal conditioned on the CSX approval.

Mr. Loring added this condition to his motion.

Mr. Kleinfelter suggested that the condition should state that CSX not be allowed to cancel the easement at anytime.

The Commission briefly discussed an additional condition that would require an agreement from CSX that would prohibit their canceling the agreement within a 30 day period.

Mr. Lawson summarized that the motion that is currently on the floor does not include this additional condition.

Ms. Jones requested additional clarification on the type of emergency that would prohibit the use of the road.

Mr. Kleinfelter stated that the type of emergencies mentioned would be for emergency vehicles, not for persons needing to evacuate in an emergency situation.

Mr. Loring moved and Mr. McLean seconded the motion, to approve preliminary plat 2005S-051G-06 to include the modified access points submitted by the developer, and to include all other appropriate conditions mentioned by staff, as well as the traffic conditions submitted by the Public Works department. (4-3) No Votes – Tyler, Cummings, Nielson

Resolution No. RS2005-188

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005s-051g-06 is **APPROVED WITH CONDITIONS, including a condition that CSX must approve assignment of the access easement for vehicular emergency access. (4-3)**

Conditions of Approval:

1. Approvals are subject to Public Works approval of construction plans.
2. Show and dimension right of way along McCrory Lane at property corners. Label and dedicate right of way 30 feet from centerline, [when applicable the following] and amount necessary to accommodate required turn lane(s). Label and show reserve right of way strip 58 feet from centerline to property boundary, consistent with the approved major street plan (S4 - 116' minimum functional ROW).
3. Revise roadway detail: Residential High Density Roadway. Show pavement schedule per Metro ST-253 Residential - Medium Density Collector or High Density Local Street.
4. Show proposed road names and classifications of all proposed streets.
5. Show centerline horizontal curve data for the public streets. Include a minimum of four (4) references.
6. The minimum centerline radius of curved segments shall be in accordance with the AASHTO Manual, current edition.
7. Placement of sidewalks shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, latest revision. Show sidewalk, as required by Planning. Sidewalks to be constructed per Metro ST-210: Sidewalk Construction.
8. Locate asphalt trail outside of right of way.
9. Show and dimension right of way radius at all circular turnarounds. Right of way of all circular turnarounds to accommodate edge of pavement, curb and gutter, 4' grass area / furnishing zone, and 5' sidewalk.

10. Label alley as public or private.
11. Above grade crossings will require Public Works approval of bridge plans. Approvals to include agreement with railroad, and Metro Council approval.
12. Developer shall construct a collector cross section with median for the main access road. Median shall be redesigned in order to provide appropriate alignment and sight distance if a future traffic signal is installed at the intersection of the access road and McCrory Lane. This cross section shall allow the future installation of northbound left turn lane striping on the access road at the new school access driveway.
13. Dedicate ROW 30 feet from centerline and additional ROW as necessary for required eastbound left turn lane on McCrory lane, (S4) classification.
14. Developer shall construct a 3-lane cross-section with transitions per AASHTO standards, along McCrory lane property frontage and install an eastbound left turn lane with 125 ft of dedicated storage at the intersection with project access road.
15. Developer shall construct 2 exit lanes with 200 feet of storage and transitions per AASHTO design on access road at McCrory lane.
16. Install northbound dedicated left turn lanes with 75ft of storage on Access Rd. at intersections with cross streets.
17. Bridge over railroad shall be designed to provide adequate sight distance and a minimum of two 12 ft wide travel lanes with 6 ft shoulders and sidewalks on each side. Final design to be per the approved construction plans. Bridge design and construction shall be coordinated with the Railroad Company.
18. Traffic circles will be allowed only at street intersections. Road design around landscape islands shall be in accordance with PW standards.
19. It is desirable to provide a secondary access due to the number of lots (564). Developers shall determine the feasibility of an additional access point from McCrory lane along the proposed school site property and intersecting with an internal residential street. If a different secondary access is required by MPC, then additional analysis shall be required to study the impacts of the revised traffic distribution and conditions may be modified.
20. Allow cross-access to eastern property in the vicinity of the 1st intersecting road with main access road.
21. Developer shall construct a southbound left turn lane with 150 ft of storage on McCrory at the eastbound interstate ramps by relocating guardrails and widening McCrory Lane.
22. The developer shall construct a northbound left turn with 100 feet of storage on McCrory lane at the I-40 westbound ramp by relocating guardrails and widening McCrory Ln.
23. Developer shall remove vegetation at the Poplar Creek Rd /McCrory lane intersection in order to provide adequate sight distance in coordination with Metro Public Works.
24. Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50% (282 lots), 75% (423 lots), and 100% (564 lots) of project, or as required by the Metro Traffic Engineer. Upon approval by the Metro Traffic Engineer, Developer shall install a traffic signal at access road and McCrory Lane. Developer shall submit signal plan for approval.
25. Construct standard alley pavement width. The alleys shall satisfy PW standards in order to accommodate refuse trucks. The alley is too close to the road intersection and shall be a minimum of 50 ft from the intersection.

26. Provide adequate access to proposed Greenway and provide area for adequate parking for future Greenway.
27. Clarify continuation of ROW which is being abandoned on sheet C1.02
28. All traffic conditions listed above must be completed or bonded prior to the recording of the first final plat, unless a specific phasing plan is approved by Public Works and the Planning Department.
29. A school site should be offered for dedication that is acceptable to the Metro School Board, prior to or in conjunction with the first final plat.
30. 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
31. If larger turnarounds are necessary to meet Fire Marshal requirements, the total number of lots may be reduced to accommodate these revisions.
32. All alleys must meet Metro Public Works and Fire Marshal standards, and shall provide mid-block access to a public street, in addition to the access points shown."

2. **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 side of Mt. Pisgah Road, at the northern end of Bryce Road, (2.06 acres), classified within the RS10 District, requested by Genady Prutianov & Kanneth Chumbley et al, owners, Walter H. Davidson, surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary Plat

This request is to create 5 single-family lots on 2.06 acres at the northern terminus of Bryce Road and on the north side of Mt. Pisgah Road.

ZONING

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

SUBDIVISION DETAILS - Five single-family lots are proposed along Mt. Pisgah Road with no future connection to the north and west of the property. The Commission recommended approval of a zone change from AR2a to RS10 in October 2004, with a condition that prior to the approval of a preliminary or final plat, coordinated access may be required to be provided to various properties in the area. This condition was made a part of the council bill and approved in January 2005 by Metro Council.

Coordinated access has not been provided with this plat. Each lot is proposed with separate access and a stub street connection has not been provided to the north and west of the property. The driveways of each lot may cause sight distance problems since it is within the curve of Mt. Pisgah Road. A joint access easement to the rear of the proposed lots is more appropriate to address connectivity and sight distance issues along Mt. Pisgah Road.

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.

Staff Recommendation - *Approve the revision to the preliminary and final PUD. Staff further recommends that the Commission recommend disapproval to the BZA of the request for a buffer yard variance to allow B-3 buffer yard, but recommend approval of a variance for C-5 buffer yard.*

APPLICANT REQUEST - Revise Preliminary and Final PUD

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development district to permit the construction of 12,960 square feet of office space, and 16 residential units, including 80 parking spaces, and a variance from the required buffer yard.

PLAN DETAILS

Applicant proposes to construct 12,960 square feet of office space, which will be distributed among two separate structures, and 16 residential units. Residential units will be distributed among four separate structures. Two of the residential structures will consist of five three bedroom units, while the remaining two residential structures will consist of three single bedroom units each. The plan incorporates 80 parking spaces.

The preliminary PUD was approved for 12,015 square feet of office space and 16 residential units. Because the final plan calls for 12,960 square feet of office space, a revision to the preliminary is required. Also, due to Stormwater issues and Fire Department concerns, the layout of the final varies slightly from the approved preliminary plan, but the change does not conflict with the concept of the approved preliminary plat.

Access - The proposed development is not connected by a through street, but is divided into two individual sections. The southwestern section is accessed by Cloverland Road, and the northeastern section is accessed by two points along Old Hickory Boulevard. All streets within the development will be private.

Future Phase - A portion of area along the southeastern corner of the PUD is proposed for future development. It will be accessed by the private drive off of Old Hickory Boulevard. The applicant has agreed to construct a turn around with this phase at the Fire Marshals Request. Development of this area may require approval of an amendment to the PUD if the proposed development exceeds the Council approved preliminary PUD plan by more than 10 percent.

Variance Request

Buffer Yard - The applicant is requesting a variance from a C-3, 20' buffer yard that is required along the northwestern boundary between this PUD and the adjacent R40 zoning district. The applicant proposes to use a B-3, 10' buffer yard.

The applicant's written justification for the request is that buffer requirements for a stream which bisects the property limit development on the site. Furthermore, the applicant states that "the stream is much further west than Metro topo maps originally revealed," which required a different layout than what was on the approved preliminary. Because of the stream's true location, the applicant states that the approved preliminary can not be accomplished because it "won't fit."

Section 17.36.060.G.3 of the Zoning Code stipulates that among other criteria for development standards, PUDs must meet the landscape buffer yard standards of Chapter 17.24.

Section 17.24 establishes buffer yards standards designed to diminish the impact of varying uses and designs between adjacent properties and zoning districts. The PUD is classified with a MUL zoning. The adjacent property to the north is classified as R40. Table 17.24.230 stipulates that a "C" class buffer is required, Staff does not recommend that a variance be granted to this buffer requirement because no hardship has been demonstrated.

TRAFFIC PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION

1. Area to pond is not consistent, check numbers and revise as needed.
2. Area near Old Hickory Boulevard needs to be treated.
3. Provide flow summary for existing and proposed conditions.
4. Make sure that the pond is out of buffer areas.
5. Shorten outlet pipe and place the endwall at the edge of the buffer area.
6. Provide pond easement document.

RECOMMENDATION

Planning staff recommends that the request for revision to the preliminary and final PUD be approved, subject to the conditions below, and that the buffer yard variance be recommended to the BZA for disapproval because no true hardship has been demonstrated. While the required stream buffer may limit development, it is not unique to the property, nor does it limit development to a point where a true hardship exists. Although staff does not recommend approval of the current variance request to use a B-3 buffer yard, staff does recommend the use of a C-5 buffer yard, which requires dense landscaping, and masonry wall. Using a C-5 buffer yard on this site will require the applicant to obtain a variance from the Board of Zoning Appeals because the Zoning Code allows a C-5 buffer yard only within the Urban Zoning Overlay. Staff recommends approval of a variance to allow the C-5 buffer yard on this site because it is appropriate in the context of the proposed development and the existing development on the adjacent property.

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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
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 reapproval by the Planning Commission.

Mr. Swaggart presented and stated that staff is recommending approval of the revisions to the preliminary and final PUD. Staff is further recommending that the Commission recommend disapproval to the BZA of the request for a buffer yard variance to allow B-3 buffer year, but recommend approval of a variance for C-5 buffer yard.

Mr. Daniel Burton, owner, spoke in favor of the proposal. He presented information to the Commission.

Mr. Kleinfelter explained that the developer has to appear before the BZA even with approval of the C-5 buffer

A request to change from R10 to CS property at 115 Benson Road, approximately 285 feet north of Old Lebanon Pike, (0.53 acres), requested by John Harwell, applicant/owner.

Staff Recommendation - *Disapprove*

APPLICANT REQUEST- Rezone 0.53 acres from R10 to CS district properties located north of Old Lebanon Pike, on the east side of Benson Road.

Existing Zoning

R10 district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. This zoning district would permit approximately 25 homes total on this site.

Proposed Zoning

CS district - 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.

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN - The land use policy on this property was updated in March 2004, to include two separate policies—RCC and RLM.

Policy (in March 2004)

Retail Concentration Community (RCC)- RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

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

Policy (in October 2004)

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

Policy Conflict - Yes. The proposed CS district is not consistent with the current (updated) land use policy. When this zone change and accompanying planned unit development (PUD) were approved by the Commission on March 25, 2004, the proposal was consistent with the Retail Concentration Community (RCC) land use policy that were in place on a majority of the property at the time. The Donelson-Hermitage-Old Hickory Community Plan was updated in October 2004, which revised the policy for this property to RLM for the entire property. **Although there is an accompanying PUD proposed for a parking lot, the proposed use is not consistent with the current land use policy for the property.**

RECENT REZONINGS - None.

PUBLIC WORKS' RECOMMENDATION (From March 25, 2004)

Current Zoning R10, Peak Adj. Street Traffic (Code 210, single family detached housing)

AM trips = 2 PM trips = 3

Proposed Zoning CS, Peak Adj. Street Traffic (Code 832, High Turnover (sit-down) Restaurant)

AM trips = 129 PM trips = 151

“With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.”

[Note: Items #5 and #6 were discussed by The Metropolitan Planning Commission together. See item #6 for actions and resolutions.]

- 6.** **2004P-007U-14**
Benson Road Parking
Map 096-01, Parcel 18
Subarea 14 (2004)
District 14 (White)

A request for preliminary approval for a Planned Unit Development located abutting the east margin of Benson Road north of Old Lebanon Pike, classified R10 and proposed for CS, (0.53 acres), to permit a paved 67 space parking area for the automobile dealership on an adjacent parcel of land, requested by Dale and Associates for John Harwell, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Preliminary PUD

Request to adopt a new Preliminary PUD to allow for a parking lot with 67 spaces on 0.53 acres. The property is located north of Old Lebanon Pike, on the east side of Benson Road.

ZONING & LAND USE POLICY

Existing Zoning—R10 This request for preliminary PUD approval is associated with a zone change request to change from R10 to CS.

Donelson-Hermitage-Old Hickory Community Plan

Residential Low Medium (RLM) - The proposed CS zoning district is not consistent with the RLM policy intended for residential development at a density of two to four dwelling units per acre.

PLAN DETAILS

History- The Commission recommended approval of this request in March 2004, with a condition that the applicant provide a buffer yard that exceeds the 10-foot yard required under the Code and a masonry wall. Staff stated: “The masonry wall and extra buffer yard would protect the adjacent established residential neighborhood from potential negative impacts of the proposed CS zoning district. If the applicant does not provide the masonry wall and a larger buffer yard than the minimum required by the Code, then a PUD in this location would not provide any more protections to the surrounding neighborhood than what the base zoning already requires.” This is currently a condition in the Council bill.

A revised preliminary PUD plan has been submitted that shows the masonry wall, but does not provide a landscape buffer yard that exceeds the required 10’ buffer yard. The revised plan shows a 12’ wide area with a landscape buffer yard of 10’ and a 6’ masonry wall.

The proposed plan calls for 67 parking spaces that will be used for the car dealership to the south of this property on parcel 17. The proposed parking lot is private with no public access directly to Benson Road from parcel 18; however, a joint access easement is to be recorded between the two properties. An existing home will be removed and the existing wall is to remain.

Landscaping Buffer Variance Request -The applicant is requesting a variance for the reduction of the minimum landscaping buffer requirement, which is 20’ in width (with a mixture of canopy trees, understory trees, and shrubs)

to a 10' landscape buffer yard with a 6' wooden fence. According to Section 17.24.060 of the Zoning Ordinance, a 6' wall or permanent opaque fence would also be required since this is a parking lot adjacent to residentially zoned property to the east.

Section 17.24.240 of the Zoning Ordinance states that if a landscape buffer yard exceeds 20% of the total lot area, then the buffer yard may be reduced by fifty percent. Therefore, a variance may not be needed to allow a 10' buffer for this property because it appears the required 20' buffer would exceed 20% of the total lot.

Staff Recommendation -Staff recommends disapproval of the PUD since the proposed zoning (CS) and use are not consistent with the updated RLM policy, which is intended for residential development.

Ms. Harris presented and stated that staff is recommending disapproval of zone change 2004Z-020U-14 as well as disapproval of Planned Unit Development 2004P-007U-14, as the proposal is not consistent with the current (updated) land use policy.

Mr. Lawson requested additional clarification regarding the proposal's re-referral to the Commission.

Ms. Harris explained that this development was proposed prior to the land use policy change.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposal.

Mr. Bruce Stanley, 3211 Downeymeade Court, presented information to the Commission. He spoke in opposition to the proposal.

Mr. David Pugh, 91 Riverpoint Pass, spoke in opposition to the proposal.

Mr. Marvin Arwine, 205 Riverpoint Court, spoke in opposition to the proposal.

Mr. Robert McCord, 113 Benson Road, spoke in opposition to the proposal.

Ms. Marialice Baker, 84 Riverpoint Pass, spoke in opposition to the proposal.

Ms. Melinda Rogers, 106 Benson Road, spoke in opposition to the proposal.

Mr. Thomas Rogers, 106 Benson Road, spoke in opposition to the proposal.

Mr. Will O' Rouke, 110 Benson Road, spoke in opposition to the proposal.

Ms. Ruby Rogers, 106 Benson Road, spoke in opposition to the proposal.

Councilmember Harold White acknowledged the residents concerns. He spoke in favor of the proposal. He spoke of the integrity of the developer and stated that the proposal will improve the area. He requested approval.

Mr. Tyler requested additional clarification on the sequence of events that had brought the proposal before the Commission on a re-referral.

Ms. Harris explained the history of this proposal to the Commissioners.

Mr. Clifton requested additional information on how the Commission voted on this proposal back in 2004.

Ms. Nielson expressed issues with the fact that the proposal has commercial encroaching on an established residential area and the land use policy is not being adhered to for this area.

Ms. Jones expressed concerns on the issue that the proposal was once approved by the Commission and now, due to policy changes to the area, is now being disapproved.

Mr. Loring clarified the uses of the PUD in relation to this proposal. He also stated that if the PUD was altered, it

would have to be resubmitted to Council. He acknowledged the concerns of the citizens, however stated that this proposal was the best proposal for this particular piece of land.

Mr. Lawson mentioned issues regarding site distances and the issues of safety.

A brief discussion ensued with respect to the motion.

Mr. Clifton moved, and Ms. Nielson seconded the motion, to disapprove Zone Change 2004Z-020U-14, and Planned Unit Development 2004P-007U-14 based on the single consideration of the current land use policy, and as requested by Council. **(5-2) No Votes – Loring, McLean**

Resolution No. RS2005-191

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-020U-14 is **DISAPPROVED. (5-2)**

The proposed CS district is not consistent with the current (updated) Donelson-Hermitage-Old Hickory Community Plan’s Residential Low Medium land use policy, which is intended for residential development between 2-4 homes per acre. When this zone change and accompanying planned unit development (PUD) were approved by the Commission on March 25, 2004, the proposal was consistent with the Retail Concentration Community (RCC) land use policy that was in place on a majority of the property at the time. The Community Plan was updated in October 2004, which revised the policy for this property to RLM for the entire property.”

Resolution No. RS2005-192

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-007U-14 is **DISAPPROVED. (5-2)**”

7. **2005Z-056BT**
Council Bill BL2005-648
Changeable Text & Graphic Signs

A council bill to amend Section 17.32.050 of the Zoning Code to permit signs with graphics or electronic displays along a four-lane or controlled access highway, sponsored by Councilmember-at-Large Buck Dozier.

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-056BT to June 9, 2005 to at the request of the applicant. (7-0)

8. **2005Z-074T**
Council Bill BL2005-650
Accessory Building Size Increase

A council bill to amend Chapter 17.12 of the Zoning Code to increase the size of accessory buildings permitted in a required setback from 600 square feet to 700 square feet, sponsored by Councilmember Mike Jameson.

Staff Recommendation - Approve

APPLICANT REQUEST - Amend Zoning Code to increase the size of accessory buildings permitted to encroach into a required setback, and to increase the maximum permitted size for accessory buildings on lots with less than 40,000 square feet from 600 square feet to 700 square feet for all zoning districts.

ANALYSIS

Existing Law - The Zoning Code under Section 17.12.040.E.1.b currently permits within any zoning district, an accessory building located to the rear of the principal building to encroach into a required side or rear setback, if the

building is 600 square feet or less. For lots containing less than 40,000 square feet, the code under Section 17.12.050 specifically limits the size of accessory buildings (typically, self-standing garages) to the greater of (a) one-half the size of the house's lot coverage, or (b) 600 square feet, but in no case greater than 2,500 square feet in size.

Proposed Text Change - The proposed amendment would increase the size of the accessory building permitted from 600 square feet to 700 square feet, a 16% increase. The amendment would also increase the maximum size of accessory buildings allowed to encroachment into side and rear setbacks from 600 square feet to 700 square feet.

Analysis - While the proposed amendment would apply to accessory buildings in any zoning district, most often, this provision is used for storage buildings or garages that are "accessory" to a residential home. The current 600 square feet is intended to permit a two-car garage.

Increasing the size of accessory buildings will help to accommodate garages and outbuildings with ancillary areas for tools, storage, and hobbies. Ultimately, the Zoning Code's bulk standards for the respective zoning district will continue to govern the actual size of such buildings (e.g. height, building coverage, setbacks, ISR).

Staff Recommendation - Approve. This text amendment provides property owners with the opportunity for additional space in an accessory building subject to the bulk standards of the Metro Zoning Code.

Approved, (7-0) *Consent Agenda*

Resolution No. RS2005-193

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-074T is **APPROVED. (7-0)**"

-
9. **2005Z-076U-12**
Map133-15, Parcel 106
Subarea 12 (2004)
District 26 (Adkins)

A request to change from RM20 to CL district property located at 326 Travis Drive, north side of Welch Road (2.31 acres), requested by Adam Alger, CB Richards Ellis, Inc., applicant for South Central Bell Telephone Company, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-076U-12 to June 23, 2005 at the request of the applicant. (7-0)

-
10. **2005Z-077G-12**
Map 173, Parcel 64
Subarea 12 (2004)
District 31 (Toler)

A request to change from AR2a to MUL district property located at 6220 Nolensville Pike, south of Lenox Village Drive (3.33 acres), requested by Anderson, Delk, Epps & Associates, applicant for Grover R. Dunn et ux, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-077G-12 to July 28, 2005, at the request of the applicant. (7-0)

-
11. **2005Z-078U-09**
Map 82-13, Parcel 346, 341, 342, 343
Map 82-14, Parcel 10, 11, 94
Subarea 9 (1997)
District 19 (Wallace)

A request to change from IG to MUI district property located at 714, 722, and 726 4th Avenue North, 315 Harrison Street, Criddle Street (unnumbered), 705 and 709 3rd Avenue North (1.72 acres), requested by William R. Hostettler, Craighead Development, Inc., applicant for Fakir Khan, Sue A. Andrews, and Carter N. Andrews, Jr., owner/trustee.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 1.72 acres from Industrial General (IG) to Mixed Use Intensive (MUI) district property located at 714, 722, and 726 4th Avenue North, 315 Harrison Street, Criddle Street (unnumbered), 705 and 709 3rd Avenue North.

Existing Zoning

IG district: Industrial General is intended for a wide range of intensive manufacturing uses.

Proposed Zoning

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

SUBAREA 9 (DOWNTOWN) PLAN POLICY

Mixed Use - 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.

MU Area 3C in Downtown The site falls within MU Area 3C in the Downtown

Community Plan Community Plan, which extends from the Cumberland River to 6th Avenue, bounded by Jefferson Street on the north and the railroad on the south. The Downtown Community Plan recommends against the expansion of industrial uses within area 3C, but encourages a pedestrian-oriented environment, including community, cultural, small scale retail and businesses, and residential development.

Policy Conflict - No. The proposed MUI zoning is consistent with the Mixed Use policy, and given that this area is downtown, a more intensive mixed use development pattern is appropriate.

The applicant was encouraged to solicit the owners of parcels 344, 091, 080, 008, and 009 so that they might be included in the rezoning, but the property owner of 344 did not want to include his parcel, and the owners of 080 and 091 could not be reached. Parcels 008 and 009 currently are in use by a bail bonds company.

RECENT REZONINGS -Parcel 332, across Harrison Street from this property, was approved by the Planning Commission for rezoning from IG to MUI at the January 18, 2004, Commission meeting, and was approved by the Metro Council on 3rd reading for the same rezoning on March 22, 2004.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - A TIS is required prior to rezoning.

Typical Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial (120)	1.72	0.037	2,772	5	2	2

Typical Uses in Proposed Zoning District: CF

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

General Office (710)	1.72	2.578	193,152	2209	318	296
----------------------	------	-------	---------	------	-----	-----

Maximum Uses in Existing Zoning District: IG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Heavy Industrial (120)	1.72	0.6	44,953	68	23	31

Maximum Uses in Proposed Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.72	5	374,616	3678	540	499

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2204	316	276

METRO SCHOOL BOARD REPORT

Projected student generation 6 Elementary 5 Middle 4 High

Schools Over/Under Capacity - Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. There is capacity within the cluster for all three schools. This information is based upon data from the school board last updated February 3, 2005.

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

Resolution No. RS2005-194

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-078U-09 is **APPROVED. (7-0)**

The proposed MUI district is consistent with the Downtown Community Plan’s Mixed Use policy, intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The site also falls within MU Area 3C in the Downtown Community Plan, which recommends against the expansion of industrial uses within this area and encourages a pedestrian-oriented environment, including community, cultural, small scale retail and businesses, and residential development.”

12.

2005Z-079G-06

Map 140, Parcel 10, 11, 12, 21, 22, 23, 24, 26-29, & portions of 18 (46 acres) and 20 (24.7 acres)
 Subarea 6 (2003)
 District 35 (Tygard)

A request to change from CS, MUL, R10, R80, and OL to SCR (59.69 acres), RM6 (41.3 acres), RS40 (535.3

acres), RM2 (414.7 acres) district properties located at 8101 McCrory Lane, McCrory Lane (unnumbered), and Newsom Station Road (unnumbered) (1050.99 acres), requested by Ragan Smith Associates, Inc., applicant for Branstetter Family Partners, L.P. and Cecil D. Branstetter, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Request to change 1,050.99 acres from CS, MUL, R10, R80, and OL to SCR (59.69 acres), RM6 (41.3 acres), RS40 (535.3 acres), RM2 (414.7 acres), district properties located at 8101 McCrory Lane, McCrory Lane (unnumbered), and Newsom Station Road (unnumbered).

Existing Zoning

CS district: 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.

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

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.

R80 district: R80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of .58 dwelling units per acre including 25% duplex lots.

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

Proposed Zoning

SCR district: Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

RM6 district: RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 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.

RM2 district: RM2 is intended for single-family, duplex, and multi-family dwellings at a density of 2 dwelling units per acre.

BELLEVUE COMMUNITY PLAN POLICY

Natural Conservation -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. *Natural Conservation policy applies to the majority of the existing R80 zoning, approved in the existing Biltmore PUD for detached single family homes and townhome development.*

Commercial Mixed Concentration -CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. *Commercial Mixed Concentration policy applies to the existing MUL, CS and OL zoning, approved in the existing Biltmore PUD for office, intensive commercial and lighter commercial/mixed use developments.*

Residential Medium -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 Medium policy applies to*

the existing R10 zoning, approved in the existing Biltmore PUD for town home and apartment development.

Residential Low Medium RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate. *Residential Low Medium policy applies to a narrow stretch of parcel 26 and 29, which is approved in the existing Biltmore PUD for detached single family homes.*

Policy Conflict - The proposed RS40 and RM2 zoning is not consistent with the Natural Conservation policy that applies to a majority of this site, but the proposed Shopping Center Regional zoning is consistent with the CMC policy that applies to the portion of this site near McCrory Lane. It should be noted that a vast majority of the area proposed for RS40 and RM2 zoning currently have R80, R10, OL, and MUL zoning and are part of the currently approved Biltmore PUD, which allows residential, office, commercial, and mixed use development at a higher intensity than what is called for by the Natural Conservation policy. The proposed zone change is more consistent with the development pattern of the existing approved Biltmore PUD.

The zone change is necessary for a large portion of this site due to the requested associated PUD amendment. Under the Zoning Code any PUD amendment, which requires Council approval, must also be accompanied with a change to the base zoning to meet the current Code requirements. Portions of the new PUD plan are similar to the previously approved PUD plan, but because the PUD is being amended, a zone change is required.

RECENT REZONINGS -None.

TRAFFIC PUBLIC WORKS' RECOMMENDATION - TIS is required prior to development. Also, a TIS has been provided with the associated PUD.

Typical Uses in Existing Zoning District: CS, MUL, R10, R80 and OL (Existing PUD)

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Commercial (820)	1,150.92	--	1,805,800	44,356	889	4230

Typical Uses in Existing Zoning District: CS, MUL, R10, R80 and OL (Existing PUD)

Land Use (ITE Code)	Acres	Density	Total Residential Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential (210)	1,150.92	--	1,451	12,088	1025	1188

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use (ITE Code)	Acres	Density	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1,150.92	--	441	4065	318	408

Typical Uses in Proposed Zoning District: SCR, RM6, RS40 and RM2 (Proposed PUD)

Land Use	Acres	Density	Total	Daily Trips	AM Peak	PM Peak
----------	-------	---------	-------	-------------	---------	---------

Subarea 6 (2003)
District 35 (Tygard)

A request to amend a portion of the existing Commercial and Residential Planned Unit Development district located at McCrory Lane (unnumbered), Newsom Station Road (unnumbered), 8101, 8161, 8171 McCrory, (1151.53 acres), to add 180.58 acres to the PUD, and to permit 441 single-family lots, 576 townhomes, 380 apartments, 900,000 square feet of retail, restaurant, office, and hotel uses, replacing 1,851,100 square feet of commercial uses, 380 single-family lots, 110 duplex lots, and 800 multi-family units, requested by Ragan Smith Associates, for Branstetter Partners, LP, and Cecil D. Branstetter, Willis Farris, Mary Jetton and Mark Levan, owners.

Staff Recommendation - *Approve with conditions, including that the applicant may be required to revise the preliminary PUD prior to final PUD approval to minimize stream disturbances, regardless of TDEC/Stormwater Appeals' approvals. To avoid such stream disturbances, the lot layout may need to be changed and lot number and/or lot sizes reduced.*

APPLICANT REQUEST -Amend PUD

Request to amend a portion of the existing Commercial and Residential Planned Unit Development on 1151.53 acres located at McCrory Lane (unnumbered), Newsom Station Road (unnumbered), 8101, 8161, 8171 McCrory Lane, to add 180.58 acres to the PUD, and to permit 441 single-family lots, 576 townhomes, 380 apartments, and 900,000 square feet of retail, restaurant, office, and hotel uses, replacing 380 single-family lots, 110 duplex lots, 800 apartments, and 1,851,100 square feet of retail, restaurant, office, and hotel uses.

PLAN DETAILS

Site Design -The amended plan proposes 900,000 square feet of retail, office, hotel, and multifamily uses along McCrory Lane, just southeast of its intersection with Interstate 40 in Bellevue. The original PUD plan was approved for 1,805,800 square feet of commercial uses, so this represents a 905,800 square foot reduction in commercial uses. The proposed plan replaces 800 apartments with 380 apartments and 576 townhomes. The plan increases the number of single family lots from 380 to 441. Finally, the plan eliminates 110 duplex lots that were included in the original PUD plan.

The townhomes are proposed along one public road with private cul-de-sac extensions just beyond a small office/retail area to the south of McCrory Lane, and additional townhomes are planned further east along a private drive, past the detached single-family area of the PUD. There are also apartments proposed to the east of the office/retail area. A total of 441 single-family lots are planned to the south of the first set of townhomes. This single-family area includes a new addition to the PUD of 180.58 acres, on the south side of the PUD.

Access -The largest retail use to the north of McCrory Lane has three access points (drives), and the hotel, restaurant, retail and multifamily uses to the north of McCrory have two access points (drives). To the south of McCrory Lane, there are a total of four access points, two of which are public right-of-way, one of which is a private drive that accesses a multifamily residential use, and one of which is a private drive that accesses a townhome area. The first public road along McCrory Lane coming from I-40 accesses the retail/office uses within a MUL zone district, and includes a roundabout.

Access to townhomes -After accessing the retail/office use area off of McCrory Lane, this first public road proceeds south to a town home area, and includes several private cul-de-sacs of townhomes. On all townhomes that directly access this *public* road, a consolidated parking area will be provided for each group of homes to limit the number of curb cuts, and comply with the Metro Zoning Ordinance distance requirements between driveways. On townhome units that access *private* cul-de-sacs, combined driveways are required to limit the number of driveway cuts along these roads.

Access to detached single family homes -The same public road that serves to access the townhomes also loops southeast to access the detached single family area, which has lots around 10,000 square feet in size. All cul-de-sacs off of this portion of the public road will be public right-of-way. This public road later goes north to again access McCrory Lane and lines up with the access to the multifamily/hotel/retail uses to the north.

Temporary turnaround, midblock traffic calming, and cul-de-sac requirements - There are several streets in the single family area that stub to the PUD property limits. These streets are required to be temporary turnarounds, and the applicant has shown this intent on the plans. The Fire Marshal's Office requires a 100 foot diameter turnaround on all cul-de-sacs greater than 150 feet in length. The Planning Department requires that the cul de sacs be platted to allow a fifty foot-diameter landscaped median.

Several cul-de-sacs are proposed for lengths greater than 750 feet. Section 2-6.2.1 G. of the Subdivision Regulations limit the length of dead-end streets to 750 feet. Because of the existing topography on this property and because a preliminary PUD already has been approved for this property, staff recommends that the Commission approve a variance to allow the dead-end streets that exceed 750 feet in length. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, which devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.

Sidewalks -Sidewalks are required on both sides of new streets in new subdivisions that create lots that are 20,000 square feet or less in size. Sidewalks *have* been shown on both sides of the public Right-of-way that serves the detached single family area, and on one side of the street in the townhome area. Sidewalks shall also be shown in the commercial and mixed use areas, as this is consistent with the PUD provisions of the Zoning Code that call for well-planned commercial development. A sidewalk has been shown accordingly on both sides of the property frontage of McCrory Lane, as well as on both sides of the public right-of-way that accesses the retail/office uses on the south side of McCrory Lane.

Landscape buffers-A class "C" perimeter landscape buffer is required along the southern boundary of the PUD, within the proposed RS40 single family area. There are also Code-required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer), and the SCR and the RM6 zoning (class "D" buffer). The applicant *has* indicated the intent to comply with these requirements.

Topography -There are hillside / slope constraints associated with this PUD amendment. The applicant is using the cluster lot option to reduce lot sizes below 40,000 square feet in the single family area so as to avoid as much as possible areas of slope that exceed 25%. In addition, the proposed new roads will generally follow the contours of lesser slopes.

Stream disturbance -As indicated by the Metro Stormwater Department, there are many streams on the 1,151.53 acres affected by this project. It appears from the proposed plans that many of these streams will be disturbed and/or relocated. Staff recommends that the Commission's recommendation for this preliminary PUD include a requirement that the applicant attempt to minimize stream disturbances. To avoid such stream disturbances, the lot layout may need to be changed and lot number and/or lot sizes reduced. The preliminary PUD plans may need to be revised prior to final PUD approval.

The recommendation to minimize stream relocations and/or disturbances is independent of whether they are approved by the Tennessee Department of Environment and Conservation or the Stormwater Appeals Board. Section 17.36.050 A. of the Zoning Code requires that approval of a PUD include a finding that the proposed PUD will protect environmentally sensitive areas. "Areas to be protected shall include undisturbed hillsides of twenty percent or greater slopes, nonmanipulated floodway and floodplain areas, problem soils, streams, creeks and major drains, designated wetlands, and areas containing protected Cedar Glade plant species." 17.36.050 A. (emphasis added).

STORMWATER DEPARTMENT RECOMMENDATION: *Approve Except as Noted:*

There are many stream disturbances and relocations on which the developer will have to get TDEC and Metro approval. If any disturbance is not granted by TDEC or Metro, a major revision will have to be made.

PUBLIC WORKS' RECOMMENDATION

In accordance with the TIS:

1. In order to determine specific laneage, queuing, signalized locations, and secondary driveway locations, focused TIS reports shall be submitted for the individual tracts prior to any transfer of land in phase 1 or phase 2.

2. All improvements within I-40 or Highway 100 right of way shall be reviewed and approved by the Tennessee Department of Transportation prior to construction. Loop ramp proposal may require an Interchange Modification Study approved by the Federal Highway Administration. Improvements on Highway 100 should be consistent with the APR prepared for the State by Neel-Schaffer.

PHASE 1 DEVELOPMENT CONDITIONS

Phase 1 development includes the following land uses:

1. 114,000 square feet of office uses, 240,750 square feet of retail uses, 213 hotel rooms, 9250 square feet of restaurant uses, 192 apartments, 288 town homes, and 220 single family.
2. The total trips allowed for phase 1 are 827 a.m. peak hour and 1473 p.m. peak hour. Trips which exceed the above a.m. peak, or p.m. peak trips will trigger the roadway improvements for phase 2.
3. The following roadway improvements shall be required.

McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary

1. Developer shall re-align and construct McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary as a 4 lane arterial with a minimum of 100 ft of right of way with a 27 ft wide median and transition to existing McCrorry Lane lanes at eastern edge of property. Along the eastern portion of McCrorry lane, a section of required right of way is currently not under the control of the developer. The road widening in this location shall be bonded and the road constructed prior to phase 2 development. The construction of 110 residential town homes in section O shall be delayed until the road is widened in this vicinity.
2. The main roadway within section N shall be identified and constructed as a residential collector with 60 ft right of way and 3 lane cross section.
3. McCrorry lane shall be designed with a minimum 45 mph speed limit and shall be constructed to provide adequate sight distance.
4. Roadways containing a median shall be constructed with median cut spacing at least 600 ft. Left turn lanes shall be constructed at all median cuts. Signal locations and specific turn lane design shall be determined with a Focused TIS. Optimum signal spacing will be established at 1250 ft to 1500 ft.
5. Traffic signals shall be installed by the developer at intersections determined by the focused TIS for specific sites upon approval by the Metro Traffic Engineer and Traffic and Parking Commission.

McCrorry Lane at I-40 Westbound Ramps

1. At McCrorry Lane / I-40 Westbound Ramps intersection, Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50%, 75%, and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer, developer shall submit signal plans and install a signal at the westbound ramps and McCrorry Lane.
2. Developer shall Widen McCrorry Lane to a 3 lane cross section and install a northbound left turn lane with a minimum of 100 ft of storage on McCrorry Lane at the I-40 westbound ramp by relocating guardrails.

McCrorry Lane at I-40 Eastbound Ramps

1. Developer shall conduct traffic counts and submit signal warrant analysis at 25%, 50 %, 75% and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer and Traffic and Parking Commission, the developer shall submit signal plans and install a signal at the relocated eastbound ramps and McCrorry Lane.
2. Developer shall relocate the I-40 east bound ramp to the proposed alignment of the relocated McCrorry lane. The ramp intersection shall be located a minimum of 300 ft south of the I-40 overpass on McCrorry Lane.

The east bound off- Ramp shall be constructed with separate left and right turn lanes. The right turn lane shall be channelized and provide free -flow operation by continuing southbound on realigned McCrory Lane.

3. Developer shall widen McCrory Lane to a 3 lane cross-section under the overhead bridge structure between the existing I-40 ramp intersections by relocating guardrails. Southbound dual left turn lanes shall be constructed on McCrory lane at the Eastbound on-ramps with a minimum of 200 ft of storage before tapering to one left turn lane under the I-40 bridge.
4. The eastbound I-40 on-ramp shall be widened to 2 lanes to accommodate the southbound dual left turn lanes on McCrory Lane.
5. Developer shall construct 1 northbound through lane and a separate northbound right turn lane on McCrory Lane at the intersection with the eastbound on ramp.
6. McCrory Lane widening and I-40 ramp reconstruction shall occur in conjunction with the re-alignment and widening of McCrory lane to a 4 lane arterial.
7. All modifications to the I-40 ramps and McCrory Lane in this vicinity shall be approved by the Tennessee Department of Transportation.

McCrory Lane and Poplar Creek Road

As recommended in the TIS addendum dated 5/17/05,

1. At 75% and 100% completion of phase 1 development, Developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
2. In coordination with signal installation, Developer shall construct left turn lanes on all approaches if adequate right of way is available. Intersection improvements shall provide adequate sight distance.

State Route 100 (HWY 100) at McCrory Lane

1. At Highway 100 / McCrory Lane intersection, Developer shall conduct traffic counts and submit signal warrant analysis at 50%, 75% and 100% completion of phase 1 development for signal approval, or as required by Metro Traffic Engineer. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.

Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. Improvements at Highway 100 shall be coordinated with and approved by the Tennessee Department of Transportation.

PHASE 2 DEVELOPMENT CONDITIONS:

1. At project completion, it is estimated that the total a.m. peak hour trips will be 1586; p.m. peak hour trips will be 2568. Roadway improvements for Phase 2 development will require right of way acquisition that is not controlled by the developer. Roadway Improvements to the I-40 interchange will need to be coordinated with and approved by the Tennessee Department of Transportation.
2. In accordance with the TIS and submitted TIS addendums, the following improvements as identified on a feasibility plan submitted on 5/13/05 shall be constructed for phase 2 development.

McCrory Lane at I-40 Westbound Ramp / Newsome Station Road

1. In order to accommodate westbound off-ramp traffic traveling south on McCrory Lane, a loop off ramp shall be constructed in the northwest corner of the interchange. This lane shall pass under the western span of the I-40 bridge before merging into 2 southbound lanes on McCrory Lane at the relocated intersection of McCrory Lane and I-40 eastbound ramps.

2. The existing westbound on-ramp shall be relocated to the new Newsome Station Road location. Developer shall modify the existing signal at this location to accommodate a 4th leg.
3. Intersection shall be re-designed to accommodate adequate truck turning movements and provide adequate sight distance.
4. Developer shall install a northbound left turn lane with 200 ft of storage on McCrory Lane at the recently relocated Newsome Station Road, in order to permit storage of vehicles entering I-40 westbound.
5. The existing I-40 westbound off-ramp shall be modified in order to permit right turn only at McCrory Lane. Developer shall construct an additional northbound through lane on McCrory Lane between this ramp and Newsome Station Road.
6. Developer shall construct an additional southbound through lane on McCrory Lane from Newsome Station Road to align with the 4 lane cross section of McCrory lane constructed in Phase 1.

Newsome Station Road

1. Developer shall construct an additional left turn lane to permit 1 through / right lane and dual left turn lanes with a minimum of 150 ft of storage on Newsome Station Rd at McCrory Lane..
2. Additional right of way shall be reserved for a commercial collector road along the commercial portion of the PUD. A focused TIS shall be submitted to determine roadway laneage requirements, traffic control, and driveway locations for Newsome Station Road along the frontage of this commercial portion of the Biltmore PUD.

McCrory Lane and Poplar Creek Road

As recommended in the TIS addendum dated 5/17/05,

1. If this intersection has not been signalized, prior to phase 2 development, developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
2. In coordination with signal installation, Developer shall construct left turn lanes on all approaches if adequate right of way is available. Intersection improvements shall provide adequate sight distance.

State Route 100 (HWY 100) at McCrory Lane

Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. As discussed in the TIS this intersection will operate with major delays at completion of the phase 2 development without roadway improvements. Therefore, prior to commencing phase 2 development, Phase 1 signalization improvements shall be installed and the following road widening is required.

1. Developer shall construct a 5 lane cross section on Highway 100 for 500 ft with transitions per AASHTO standards on both Highway 100 approaches.
2. Developer shall construct an additional southbound lane with adequate storage length on McCrory Lane at the intersection with Highway 100. Southbound lanes shall be striped for separate left and right turn lanes.

Public Works Engineering conditions and comments for the submitted Biltmore PUD Amendment plans received May 16, 2005:

1. Approvals are subject to Public Works' review and approval of construction plans. Roadways to be designed in accordance with all applicable Public Works' details and specifications.
2. Streets to have sufficient radii to allow SU-30 vehicle to maneuver w/ cars parked on one side. Some short loop streets appear inadequate for SU-30 design vehicle movements.

3. Show and identify existing contour intervals.
4. It appears that extensive grading will be required to meet maximum allowable grades.
5. No private street shall be constructed which will permit access or connection between two (2) public streets. Eliminate connection of public residential street to private multi-family street located at TVA lines.
6. Provide a minimum of two outlets to McCrory Lane from single family residential.
7. Several dead-end streets exceed 750 feet, with some 1,500 - 1,600 feet.
8. Show Residential Collector ST-253. Section required on all residential streets exceeding 3,600 ADT.
9. Label streets on overall plan by name or letter designation, and proposed street cross section, especially sheet 1A. Additional comments may be forthcoming after proposed street cross sections are identified.
10. Retaining walls must be located outside the right of way at a distance to not impact the roadway if wall failure occurs.

CONDITIONS (if approved):

1. The PUD plans shall show a class "C" perimeter landscape buffer along the southern boundary of the PUD, within the proposed RS40 single family area. The PUD plans shall show the required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), or the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer "A"), and the SCR and the RM6 zoning (class "D" buffer).
2. Single family lots that abut the southern perimeter of the PUD must meet the size requirements of the Metro Zoning Ordinance regarding cluster lots.
3. All critical lots shall be noted on the plans as per the Metro Zoning Ordinance, including the critical lot note. All lots on between 20 and 25% slopes must be designated as critical lots, and lots greater than 25% must be platted as common open space. Though the PUD provisions allow the Planning Commission to authorize the creation of lots ranging up to 25% slope, some lots may be lost if the proposed lot configuration involves substantial grading on slopes of 25% or more.
4. The applicant shall attempt to minimize stream disturbances. The preliminary PUD plans may need to be revised prior to final PUD approval. The proposed lot layout may have to be reworked and lot number and/or lot sizes reduced.
5. Staff recommends that the Commission approve a variance to allow the dead-end streets that exceed 750 feet in length. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, which devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.
6. On the private drives (cul-de-sacs) that serve townhomes, combined driveways shall be used to reduce the amount of curb cuts.
7. All cul-de-sacs that extend to the PUD district limits shall be labeled as "temporary turnarounds."
8. 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter. The number of lots may be *reduced* from the preliminary (amended) PUD plans to comply with this requirement.

9. Fire hydrants should flow at least 1,500 GPMs at 40 psi. Water calculations shall be submitted to the Fire Marshal's Office for approval before the final PUD can be approved.
10. Prior to final PUD approval, the applicant shall offer for dedication the proposed "passive park" as indicated on the plans to the Metro Parks Department. If the park is not accepted by the by the Metro Parks Department, then the preliminary PUD must be revised to remove it
11. Note that to comply with the above Stormwater requirements, it is required for the applicant to put the following notes on the preliminary PUD plans:

"Any intermittent stream or waters of the state, as identified by TDEC, shall have a 25 foot buffer from the top of the bank on each side of the stream bank."

"Buffer disturbance is ONLY permitted by Stormwater Management Committee variance # _____ and ARAP Permit # _____."

12. Prior to final PUD approval, all Public Works' conditions and comments as outlined above must be met.
13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
14. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
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. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Mr. Pereira presented and stated that staff is recommending approval of zone change 2005Z-079G-06 and approval with conditions, including that the applicant may be required to revise the preliminary PUD prior to the final PUD approval to minimize stream disturbances, regardless of TDEC/Stormwater Appeals' approvals. Mr. Pereira announced additional conditions.

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

Mr. Loring spoke in support of the proposal.

Mr. Loring moved, and Ms. Jones seconded the motion to approve with conditions Zone Change 2005Z-079G-06 Loring, as well as approve Planned Unit Development 84-85-P-06 as revised by the Commission.

Ms. Jones spoke positively of the proposal and its appropriateness for the area.

Ms. Nielson requested additional clarification regarding the school site dedication.

Mr. Pereira explained that the developer has intentions for a school site dedication, but is unaware of the location of the site at this time.

Ms. Nielson requested further clarification regarding the connectivity of the proposal in relation to the topography of the land.

Mr. Clifton requested that Mr. Hasty address the issue of staff suggesting disapproval of a Public Works condition.

Mr. Kleinfelter stated that staff has suggested omitting the condition in which the street width is addressed in order to allow continued study during the final planning stages of the development.

Mr. Charles Hasty, Metro Public Works, explained that there are many design issues associated with the planned unit development that need to be addressed before final approval is granted. He suggested that the condition remain and be amended to say that the developer and design engineer work with the Public Works department to design roadway pavement sections and right-of-way widths to sufficiently and safely handle the project traffic volume.

Mr. Clifton suggested that the Commission modify this condition.

Mr. Loring moved, and Ms. Jones seconded the motion to approve with conditions Zone Change 2005Z-079G-06 Loring, as well as approve Planned Unit Development 84-85-P-06 with the inclusion that the condition that suggests disapproval of a the Public Works condition be modified to say "leave open for continued discussions". (7-0)

Resolution No. RS2005-195

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-079G-06 is APPROVED WITH CONDITION that the applicant offer for dedication a school site in compliance with the standards of Section 17.16.040 for middle schools with a capacity of 800 students. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Hillwood High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education. (7-0)

The proposed SCR, RM6, RS40, and RM2 zone districts are partially consistent with the Bellevue Community Plan's land use policies of Commercial Mixed Concentration, Residential Medium, Residential Low Medium, and Natural Conservation; namely, the SCR district is consistent with the CMC policy that applies to the portion of this site near McCrory Lane. The proposed RS40 and RM2 zoning are not consistent with the Natural Conservation policy that applies to a majority of this site, but a vast majority of the area proposed for RS40 and RM2 zoning currently have R80, R10, OL, and MUL zoning and are part of the currently approved Biltmore PUD, which allows residential, office, commercial, and mixed use development at a higher intensity than what is called for by the Natural Conservation policy. The associated PUD plan is less intense, overall, than the currently approved PUD plan. This zone change is necessary for a large portion of this site due to the requested associated PUD amendment."

Resolution No. RS2005-196

"BE IT RESOLVED by The Metropolitan Planning Commission that 84-85-P-06 is APPROVED WITH CONDITIONS, as revised by the Commission. (7-0)

Conditions of Approval:

1. The PUD plans shall show a class "C" perimeter landscape buffer along the southern boundary of the PUD, within the proposed RS40 single family area. The PUD plans shall show the required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), or the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer "A"), and the SCR and the RM6 zoning (class "D" buffer).

2. Single family lots that abut the southern perimeter of the PUD must meet the size requirements of the Metro Zoning Ordinance regarding cluster lots.
3. All critical lots shall be noted on the plans as per the Metro Zoning Ordinance, including the critical lot note. All lots on between 20 and 25% slopes must be designated as critical lots, and lots greater than 25% must be platted as common open space. Though the PUD provisions allow the Planning Commission to authorize the creation of lots ranging up to 25% slope, some lots may be lost if the proposed lot configuration involves substantial grading on slopes of 25% or more.
4. The applicant shall attempt to minimize stream disturbances. The preliminary PUD plans may need to be revised prior to final PUD approval. The proposed lot layout may have to be reworked and lot number and/or lot sizes reduced.
5. Staff recommends that the Commission approve a variance to allow the dead-end streets that exceed 750 feet in length. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, which devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.
6. On the private drives (cul-de-sacs) that serve townhomes, combined driveways shall be used to reduce the amount of curb cuts.
7. All cul-de-sacs that extend to the PUD district limits shall be labeled as "temporary turnarounds."
8. 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter. The number of lots may be *reduced* from the preliminary (amended) PUD plans to comply with this requirement.
9. Fire hydrants should flow at least 1,500 GPMs at 40 psi. Water calculations shall be submitted to the Fire Marshal's Office for approval before the final PUD can be approved.
10. Prior to final PUD approval, the applicant shall offer for dedication the proposed "passive park" as indicated on the plans to the Metro Parks Department. If the park is not accepted by the by the Metro Parks Department, then the preliminary PUD must be revised to remove it
11. Note that to comply with the above Stormwater requirements, it is required for the applicant to put the following notes on the preliminary PUD plans:

"Any intermittent stream or waters of the state, as identified by TDEC, shall have a 25 foot buffer from the top of the bank on each side of the stream bank."

"Buffer disturbance is ONLY permitted by Stormwater Management Committee variance # _____ and ARAP Permit # _____."

12. Prior to final PUD approval, all Public Works' conditions and comments as outlined above must be met.
13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
14. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.

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. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

IX. PRELIMINARY SUBDIVISION PLATS

14. **2005S-136U-10**
Trimble Terraces
Map131-05, Parcel 036
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plan approval to create two lots abutting the northeast corner of Trimble Road and LaVista Drive (0.99 acres), classified within the R20 District, requested by William Burns, owner, John Kohl, surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2005S-136U-10 indefinitely at the request of the applicant. (7-0)

15. **2005S-138G-12**
Jackson Valley
Map 181, Parcel 044
Subarea 12 (2004)
District 31 (Toler)

A request for preliminary plan approval for 44 lots abutting the east margin of Nolensville Road, approximately 200 feet south of Autumn Oaks Drive (7.7 acres), classified within the AR2a District, requested by GSH Development, LLC, owner/developer, Alley & Associates, surveyor.

The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2005S-138G-12 indefinitely, at the request of the applicant. (7-0)

X. FINAL PLATS

16. **2005S-105G-12**
Brentwood Knoll
Map172, Parcel 172
Subarea 12 (2004)
District 31 (Toler)

A request for final plat approval to create 15 lots abutting the southeast corner of Bryce Road and Mt. Pisgah Road (5.0 acres) including a sidewalk variance request, classified within the RS10 District, requested by Dean Balding Baxter and Mark Sarmadi, owners, Roger H. Harrah, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-105G-12 to June 9, 2005 at the request of the applicant. (7-0)

17. **2005S-135U-10**
Belmont Park Condos
Map131-03, Parcel 217
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to create 2 lots abutting the east margin of Belmont Park Terrace, approximately 200 feet south of Shackelford Road, (0.90 acres), classified within the R10 District, requested by Vossland Development, LLC, owner, John Kohl, surveyor.

The Metropolitan Planning Commission DEFERRED Final Plat 2005S-135G-10 indefinitely at the request of the applicant. (7-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

18. **295-84-G-14**
The Park at Hermitage Apartments
Map 97, Parcel 135
Subarea 14 (2004)
District 12 (Gotto)

A request for a sign variance within an existing Residential Planned Unit Development district located along the east side of Old Hickory Boulevard, south of Interstate 40 in Hermitage, classified RM15, to permit a variance to section 17.32.080 of the Zoning Code requiring a minimum setback of 15 feet, requested by Rising Creek Signs, for America First Tennessee REIT, owner.

Staff Recommendation - Approve

APPLICANT REQUEST - PUD Variance

A request for a variance to Section 17.32.080 of the Zoning Ordinance (Sign Ordinance) to permit a six foot tall, 15 square-foot identification sign for the Park at Hermitage Apartments with no setback from Old Hickory Boulevard, where the Zoning Ordinance requires a minimum of a 15 foot setback from the street right-of-way.

PLAN DETAILS - This request is to replace an existing sign along Old Hickory Boulevard at approximately the same location. The sign is proposed to be located at the property line, which is 45 feet back from the existing pavement along Old Hickory Boulevard—a Scenic four lane arterial road (S4). There is a 45 foot right-of-way dedication along Old Hickory Boulevard, as called for by the Major Street Plan. The minimum functional right-of-way for an S4 is 116 feet. There is approximately 100 feet of right-of-way existing. The sign will be located approximately 45 feet from the existing pavement on Old Hickory Boulevard.

Variance Requirements - Since this variance request is within a Planned Unit Development district, the Zoning Ordinance requires the Planning Commission to make a recommendation to the Board of Zoning Appeals (BZA). The BZA will make the final decision regarding the variance request.

History - No signs were identified on the original preliminary PUD plan, or the final PUD plan, approved by the Planning Commission in the 1980's. According to the Codes Department, permits were issued in 1986 for the three existing signs for this PUD. All three existing signs are currently located within the public right-of-way.

The applicant proposes to remove the existing signs and to replace them with only one new sign. A bus stop will be added at one the location of one of the current sign locations.

Staff Recommendation - Staff recommends approval of the sign variance for the following reasons:

- Three signs have existed on the property since the 1980's in approximately the same location;
- The property owner received permits for the three existing signs, but they are located within the public right-of-way;

PUBLIC WORKS RECOMMENDATION - A site visit was conducted on May 13, 2005, to evaluate the site distance with the construction of an 8' x 9' monument sign with a 5' requested setback.

The monument sign would be located along U.S. Highway 70S approximately 140 feet east of the U.S. Highway 70S / Hicks Road intersection. The intersection of U.S. Highway 70S and Hicks Road is a controlled signalized intersection. There is no direct access from the KFC site to U.S. Highway 70S.

Sight distance appears unimpaired.

Approved, (7-0) *Consent Agenda*

Resolution No. RS2005-198

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-027G-06 is **APPROVED. (7-0)**”

XII. OTHER BUSINESS

20. Adoption of revised Planning Commission rules.

Withdrawn (7-0)

21. Election of Officers

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to reappoint Mr. James Lawson, to serve as the Planning Commission Chairman and to reappoint Mr. Douglas Small, to serve as Vice-Chairman of the Planning Commission. (7-0)

Mr. Lawson moved and Mr. Clifton seconded the motion, which passed unanimously to appoint Ms. Nielson to the Historical Commission. (7-0)

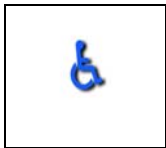
Mr. Clifton moved and Ms. Nielson seconded the motion, which passed unanimously to appoint Mr. James Lawson to the Parks & Recreation Board. (7-0)

22. Executive Director Reports

23. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 7:00 p.m.



Chairman

Secretary