



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
of the  
Metropolitan Planning Commission**

*April 22, 2004*

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**PLANNING COMMISSION:**

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

**Staff Present:**

Richard Bernhardt, Executive Director  
Ann Hammond, Asst. Director  
David Kleinfelter, Planning Manager II  
Brook Fox, Legal Counsel  
Trish Brooks, Administrative Assistant  
Kathryn Fuller, Planner II  
Adrian Harris, Planner I  
Bob Leeman, Planner III  
Preston Mitchell, Planner II  
Chris Wooton, Planning Technician I  
Charles Macy, Public Works  
Jennifer Regen, Planner III

**Commission Members Absent:**

Victor Tyler

**I. CALL TO ORDER**

The meeting was called to order at 4:06 p.m.

**II. ADOPTION OF AGENDA**

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the agenda. (7-0)

**III. APPROVAL OF APRIL 8, 2004 MINUTES**

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the minutes of April 28, 2004. (7-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember White stated he would address the commission when Item #9 – 2004Z-050G-14 was presented. Councilmember Forkum spoke in favor of Item #17 – Coventry Woods (300-84-U-04).

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WITHDRAWN**

8. 2004Z-049U-13 AR2a to RS7.5 district property at 3334 – Deferred indefinitely.
10. 2004Z-051G-06 CN and R80 to CS – Deferred to May 13, 2004

14. 2004S-109G-02 Eaton Estates – Deferred to May 13, 2004
18. 88P-039U-10 Blakemore PUD – Deferred to May 27, 2004

Ms. Nielson arrived at 4:09 p.m.

Mr. Small moved and Mr. McLean seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. **(8-0)**

## **VI. PUBLIC HEARING: CONSENT AGENDA**

### **ZONING MAP AMENDMENTS**

3. 2004Z-008T Pond/Lake Text Amendment - Approve
6. 2004Z-023U-10 OR20 to MU, Hillsboro Circle - Approve
7. 2004P-005U-10 Hillsboro Circle PUD - Approve
11. 2004Z-053U-12 R6 to CN, Goins Road – Approve

### **PRELIMINARY SUBDIVISION PLATS**

12. 2003S-304G-03 Perry Subdivision - Approve
13. 2004S-015G-12 Third Addition to Indian Creek - Approve
14. 2004S-109G-02 Eaton Estates - Approve w/Conditions

### **FINAL SUBDIVISION PLATS**

16. 2004S-112G-01 Salcedo's Subdivision - Approve w/Conditions

### **PLANNED UNIT DEVELOPMENTS (revisions)**

17. 300-84-U-04 Coventry Woods - Approve w/Conditions
18. 88P-039U-10 Blakemore Associates - Approve w/Conditions
19. 97P-019G-06 Trace Creek Center - Approve w/Conditions
20. 2000P-005G-06 Hollywood Video – Bellevue - Approve w/Conditions

### **MANDATORY REFERRALS**

21. 2004M-025U-09 Property conveyance to Metro Sports Authority - Approve
22. 2004M-026U-10 Aerial encroachment: Vanderbilt/W. End fiber optic - Approve
- 2004M-030U-03 Whites Creek Conservation Greenway Easement - Approve

### **OTHER BUSINESS**

24. Recommended Capital Improvements Budget 2004-05 to 2009-2010
27. Contract for Regional Air Quality Alert Program
28. Contract State Route 386 Area Study
29. Contract for Commuter Rail Planning Services for FY 2004
30. Contract for an Advance Project Report (APR) for East Division Street (in Wilson County) and Sage Road (in Sumner/Robertson Counties)

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. **(8-0)**

## **VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS**

1. **2004S-064G-14**  
Warren Place, revision 1  
Map 34, Parcel 79  
Subarea 14 (1996)  
District 11 (Brown)

A request for preliminary approval for 8 lots abutting the north margin of Warren Drive and the west margin of Swinging Bridge Road (3.18 acres), classified within the R10 and R15 Districts, requested by Jerry C. Harlin and Dunklin Murrey, owners, and Burns & Associates, surveyor. (Deferred from meeting of March 11, 2004).

**Staff Recommendation** - *Approve with conditions.*

### **APPLICANT REQUEST**

**Preliminary Plat** - This request is to subdivide 3.18 acres into 8 single-family lots along the north side of Warren Drive, south of Swinging Bridge Road.

**ZONING**

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

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

**SUBDIVISION DETAILS** - This plat is consistent with the Subarea 14 Plan’s Residential Low Medium (RLM) policy calling for two to four dwelling units per acre. Proposed lot sizes range from 10,000 square feet to 15,000 square feet. The proposed subdivision provides 0.47 acres (15%) of open space, while no open space is required since this is not a cluster lot subdivision. The open space includes a small portion of floodplain and a proposed detention pond. The detention pond is not within the floodplain area.

Sidewalks are proposed along the frontage of Warren Drive, as well as along both sides of Warren Court.

**STORMWATER** - The floodplain remains undisturbed with this proposal.

**TRAFFIC ENGINEER’S FINDINGS** - No exception taken.

**CONDITIONS**

1. Staff recommends conditional approval of this preliminary plat, subject to the following conditions:
2. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
3. NES approval shall be submitted prior to final plat recordation.

Ms. Judy Cummings arrived at 4:20 p.m.

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

Ms. Susan Meece, 348 Rayon Drive, President of the Rayon Beautification Committee, presented to the Commission, additional concerns and requests regarding the development.

Mr. Kleinfelter addressed the additional concerns and requests made by Ms. Meece.

Mr. Ponder spoke in favor of the proposal.

Ms. Cummings spoke in favor of the proposal.

Mr. Clifton stated that the requests which were made by the residents were reasonable and should be supported.

Ms. Nielson spoke in favor of the proposal

Mr. Small spoke in favor of the proposal.

Mr. Small moved, and Mr. Ponder seconded the motion, which passed unanimously, that Subdivision No. 2004S-064G-14 be approved with the additional conditions: 1) no grading permits be issued prior to final plat, 2) the final plat be brought back before the Commission, 3) that a maintenance agreement for the detention area be executed by all property owners within the subdivision. **(9-0)**

**Resolution No. 2004 –116**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-064G-14 is **APPROVED WITH CONDITIONS (8-0)**;

**Conditions of Approval:**

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation;
2. no grading permit may be issued prior to Commission approval of a final plat;
3. any final plat must be presented to the Commission for approval; and
4. a maintenance agreement for the detention area must be executed by all property owners within the subdivision.”

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**VIII. PUBLIC HEARING:  
ZONING MAP AND TEXT AMENDMENTS**

2. **2003Z-109G-04**  
Map 34-13, Parcel 57  
Subarea 4 (1998)  
District 10 (Ryman)

A request to change from RS7.5 and IWD districts to RM6 district property located at Edgemeade Boulevard, (unnumbered), approximately 160 feet west of the western terminus of Aurora Avenue, (2.01 acres), requested by William G. Cole, Jr., owner.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 2.01 acres from industrial warehousing/ distribution (IWD) and residential single-family (RS7.5) to residential multi-family (RM6) district property at Edgemeade Boulevard (unnumbered).

**Existing Zoning**

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

**RS7.5 district - RS7.5** requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. This would total 10 lots on this site.

**Proposed Zoning**

**RM6 district - RM6** is intended for single-family, duplex and multi-family dwellings at a density of 6 dwelling units per acre. This would total 12 units on this site.

**SUBAREA 4 PLAN POLICY**

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

**Policy Conflict** - The proposed RM6 district is consistent with the RM policy outlined in the subarea plan and surrounding density. This property would serve as a transition between the commercial services (CS) zoning district along Gallatin Pike and the residential single-family (RS7.5) zoning district along Edgemeade Boulevard. The proposed zoning district is also consistent with the existing multi-family units on the adjacent property to the east.

The site is constrained by TVA lines and floodplain. Any proposed units will have to be clustered to the south part of the site.

**RECENT REZONINGS** - Yes. This property was rezoned from R8 to RS7.5 with the county-wide zoning update in 1998.

**TRAFFIC** - Based on the trip generation numbers for residential multi-family (RM6), this proposal will generate approximately 80 daily trips. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.



**Existing Law** - Presently, Metro does not regulate the location of a pond/lake in its agricultural or residential zoning districts. Typically, ponds and lakes constructed in residential developments as well as office parks and retail developments are needed for stormwater management, and are reviewed and approved by Metro Water Services. The Tennessee Department of Environment and Conservation (TDEC) reviews private farm ponds that are more than 20 feet in depth and contain more than 30 acre-feet of water.

**Proposed Text Change**-By requiring a special exception permit for a pond/lake in an agricultural or residential zoning district, the Board of Zoning Appeals (BZA) would be required to find that an applicant complies with the standards proposed below. This council bill does provide exemptions for small landscape and ornamental ponds, ponds/lakes located on golf courses, working farms, and Metro property, as well as ponds/lakes constructed for stormwater management, wildlife, and wetlands. (See C.5, below) With these exemptions, ponds/lakes serving a structural, mechanical, or environmental need will not require BZA approval.

The full proposed text change would add the following language to the Zoning Code:

Section 17.16.230, Uses Permitted by Special Exception -- Other special exception uses

C. Pond/Lake.

1. Lot Area. The pond/lake shall not occupy more than ten percent (10%) of the total lot area.
2. Site Plan. Plans for the proposed pond/lake shall be submitted to the stormwater division of the department of water and sewerage services, the zoning administrator, the health department, and the board of zoning appeals. The plans shall consist, at a minimum, of a plan view and a typical cross section of the proposed pond/lake. The plan view shall include the configuration of the pond/lake with the dimensions and maximum depth areas, distances to property lines, drainage easements, structures, outlet structures, septic systems, proposed overflow spillway, and proposed landscaping. The typical cross section shall identify the bank and bottom slopes, maximum depth, outlet and/or overflow structures with elevations and normal water level evaluation. A description of the soil type(s) and hydraulic conditions at the site shall be provided to determine the feasibility of the pond/lake.
3. Construction and Maintenance. Construction and maintenance of the pond/lake shall be in accordance with all applicable state and local regulations.
4. Notification. Prior to conducting a special exception hearing before the board of zoning appeals, and immediately after receiving an application for a pond/lake special exception, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application has been submitted.
5. The following types of ponds/lakes shall be exempt from the provisions of this Section:
  - a. landscape or ornamental ponds less than 1,000 square feet in area and less than three (3) feet in depth;
  - b. ponds/lakes used for irrigation or water treatment of a golf course;
  - c. farm ponds constructed on a working farm;
  - d. detention and/or water quality pond required by the stormwater division of the department of water and sewerage services;
  - e. wildlife ponds and wetlands required by or constructed with the assistance of the Tennessee Department of Environment and Conservation; and
  - f. ponds/lakes on property owned by the Metropolitan Government.

**Staff Recommendation** - *Approve*. This Council bill addresses ponds/lakes constructed for private recreational activities and aesthetics. As written, the bill would regulate ponds/lakes for public health and safety concerns, not aesthetic design. Once adopted, the regulations would require that any site plan containing a pond/lake be reviewed by stormwater management and the health department, as provided in "C.2" above. By requiring detailed design and construction plans and appropriate agency review, the bill is intended to provide the BZA with sufficient information to review applications to construct a pond/lake.

**Resolution No. 2004 –118**

“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-008T is **APPROVED. (8-0)**”

**4. 2004Z-010T  
Commercial Attraction Sign Text Amendment**

A request to amend Section 17.32.130 by expanding the area and permitted height of on-premises signs permitted in the commercial attraction district, requested by Councilmember J.B. Loring.

**Staff Recommendation** - *Approve with amendments*

**APPLICANT REQUEST** - Amend Zoning Code to permit larger and taller signs in the commercial amusement (CA) zoning district as well as video signs.

**ANALYSIS**

**Background** - This text amendment is being proposed to permit larger and taller signs with a video screen in the Commercial Amusement (CA) district. Video signs provide images and messages in constant motion and television quality. If adopted, this amendment would apply countywide to any CA zoned property, present and future. Presently, the only property in Davidson County zoned CA is the Opryland Resort, Opry Mills, and the KOA Campground on Pennington Bend Road. The CA district is intended for amusement, recreation, lodging, and retail uses that are affiliated with the tourist industry and generate a high traffic demand. Signs such as those proposed by this bill are used to advertise products, services, and upcoming events.

The Gaylord Entertainment Company has expressed an interest in erecting a sign for the Grand Ole Opry House at Opryland. Currently, this entertainment venue has no sign advertising upcoming entertainment events. The proposed sign would display the typical information such signs convey, such as the performance event, performer, date, and time. The sign would be located perpendicular, and adjacent to, Briley Parkway, behind the Grand Ole Opry.

**Proposed Text Change** - The proposed text change would modify existing sections of the Zoning Code as follows:

A. By amending Table 17.32.130.D, Note 3 to said table by adding the following provisions:

“In the commercial attraction district, the maximum area of any one sign shall be 900 square feet, the maximum total area of all signs shall be 2,000 square feet, and the maximum height of a highway oriented sign shall be eighty feet as measured from the average grade of the sign foundation, or sixty feet above the finished elevation of the nearest travel lane of the highway, whichever is greater.”

B. By amending Section 17.32.050.G, by adding after the phrase “two seconds or more” the phrase “, provided that this provision shall not be applicable to any sign located within the CA district”.

**Section 17.32.050** - The Zoning Code presently does not permit

Two Second Period video signs. This kind of sign presents graphical information and pictures similar to those used at professional sporting events. Currently, text and/or pictures cannot be displayed in a continuous fashion, streaming across a sign. Instead, it must remain constant for two seconds – and then flash or disappear – and new text shown, as provided in Section 17.32.050.G. This standard is intended to ensure passing motorists the opportunity to read a sign quickly. The two second display period is a common sign standard throughout the nation.

The current substitute bill states the “two second” period will not apply to signs in the CA district. The sponsor has indicated to staff that was not the intent, however. An amendment will be necessary to reinstate the two second display period.

**Table 17.32.130.D** - The proposed amendment would permit a sign

On-Premise Signs - nearly double in size and twice in height than what is currently allowed in the CA zoning district. In addition, it would more than triple the maximum total square footage of all signs permitted on a property (See table, below).

**Staff's review of the proposed Grand Ole Opry sign indicates the proposed sign appears to comply with current Metro standards for sign size.** Therefore, both the amendment to increase the permitted sign size to 900 square feet and the amendment increasing the maximum total sign area may be unnecessary.

<b>Standard</b>	<b>Current Zoning Text</b>	<b>Proposed Zoning Text</b>
Sign Size	480 square feet	900 square feet
Sign Height	40 feet	80 feet above grade of sign foundation or 60 feet above finished elevation of nearest travel lane, whichever is greater
Max. Total Area of All Signs	576 square feet	2,000 square feet

**Public Works Recommendation** - Public Works has indicated no opposition to permitting video signs in the CA zoning district.

**Staff Recommendation** - *Approval with amendment to remove the size expansion.* The proposed zoning text amendment in concept does not appear in conflict with, or out of character with, the types of uses expected to locate in the CA district. These uses are typically attention getting either because of their physical size or unique market-niche. The type of sign proposed to be permitted is intended to dramatically advertise events or happenings without sound. These signs do so by using sign height, color, size, graphics, and motion to capture the attention of traveling motorists. There is nothing inherently problematic with one sign on a roadway.

**Issues for consideration**

**Sign Proliferation** - Staff has concerns that additional signs of this magnitude could be located every 1,000 feet along Briley Parkway, as Table 17.32.130.D, footnote 3 would permit. That footnote was created for Opryland with the Zoning Code's rewrite in 1998. This amendment does not modify the current footnote, and thus, does not prevent sign proliferation within the CA district.

**Increase in CA Rezoning Requests** - If this Code amendment is approved, Metro may see an increase in rezoning applications for the CA district elsewhere in Davidson County. Businesses wanting the ability to construct larger signs may seek CA rezonings for that sole purpose. Such rezonings would serve to undermine the purpose of the CA district.

**Sign Review** - The amendment also proposes to permit video signs by right in the CA zoning district. While the Zoning Code presently permits all signs by right, there is no other sign of this magnitude permitted. The current process only requires an applicant to obtain permits from Codes. That process involves a perfunctory review to determine if a sign complies with the Zoning Code's standards for number, size, and height of signs. The proposed text amendment provides no additional standards of review for a video sign.

**Public Safety** - For a sign with the mass, scale, and motion proposed for the Grand Ole Opry, additional review may be warranted to ensure the changing images which could appear 24-hours a day do not impact nearby residential uses by glare, motorist safety on Briley Parkway, or aircraft flights from the Nashville International airport. Other cities require video signs to receive additional review due to their unique presentation-style and attention getting graphics to invite motorists and pedestrians to their venue. A different permit review process may be worth exploring for video signs, particularly concerning public safety impacts, if any, that Public Works (Traffic Engineer) and TDOT may identify.



Ms. Regen presented and stated that staff is recommending approval with amendments, as well as an additional modification to the total square footage requirements on signs. The modification will state that the total square footage of a sign (900 ft.) will account for both sides of a sign.

Ms. Susan Floyd, 222 Bonnobrook Drive, spoke in opposition to the amendment due to the nature of the sign and its location on Briley Parkway.

Mr. Lee Babcock, Development Director of Gaylord Entertainment, spoke in favor of the text amendment. He explained that the sign will not be a nuisance to drivers and will not cause additional light for those who reside near Briley Parkway.

Ms. Cummings requested clarification on the two-second intervals the sign would operate on and whether it was related to safety issues.

Ms. Regen explained the two-second interval and commented that the time limits are related to the safety of those who will be reading the signs.

Mr. Ponder requested clarification on the location of the sign and whether it was to be utilized by those traveling on Briley Parkway or would its purposes be for those visiting Opryland.

Mr. Bernhardt explained that the text amendment is proposed for all CA zoned areas in Davidson County, not just for Opryland.

Ms. Jones expressed concerns regarding the proposed amendment.

Ms. Nielson requested clarification on the placement of additional signs of this nature.

Ms. Regen explained that the current sign amendment allows one sign per 1,000 feet.

Mr. Small stated he too was concerned about the two-second interval time allotment, as well as the total footage of a sign being proposed in this amendment. He requested that staff present additional information regarding these concerns.

Mr. Clifton moved, and Mr. Loring seconded the motion, to adopt staff recommendation along with the modification on total square footage to include both sides of a sign; as well as recommend that staff bring back performance standards regarding this issue to the Commission. **(7-2) No Votes – Small, Jones**

**Resolution No. 2004 –119**

**“BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-010T is APPROVED (7-2) WITH Amendment to change size limitation.”**

**5. 2004Z-011T  
PUD Expiration Text Amendment**

A request amend Section 17.40.120 of the Zoning Code to require that all modifications to PUDs more than four years old be submitted to the Metro Council for approval and to require that all PUDs in existence for more than eight years in which a permit has not been issued be submitted to the Council for approval prior to the issuance of any building or grading permit, requested by Councilmember John Summers.

Ms. Regen presented and stated that staff is recommending disapproval as currently written.

Mr. Bernhardt stated that Councilmember John Summers, who originated this bill, will request to have it deferred at the Council Level until the July Public Hearing.

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously, to defer Zone Change 2004Z-011T until the first meeting in June, 2004. **(9-0)**

Mr. McLean requested that staff e-mail any text change amendments, or changes to subdivision regulations to the Commissioners three or four days in advance to allow time for review.

**The Metropolitan Planning Commission DEFERRED this item to the June 10, 2004 meeting. (9-0)**

6. **2004Z-023U-10**  
Map 131-02, Parcel 12  
Subarea 10 (1994)  
District 25 (Shulman)

A request to change from OR20 to MUL district property located at 4103 Hillsboro Circle, 332 feet north of Hobbs Road, (0.17 acres), requested by Robert W. Rutherford, Attorney, applicant, for Phillips-Robinson Company, owner.

Approved **(8-0)**, *Consent Agenda*

**Staff Recommendation** - *Approval*

**APPLICANT REQUEST** - Rezone 0.17 acres from office/residential (OR20) to mixed use limited (MUL) district at 4103 Hillsboro Circle.

**Existing Zoning**

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

**Proposed Zoning**

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

**SUBAREA 10 PLAN POLICY**

**Regional Activity Center (RAC)** - RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas.

**Policy Conflict** - The proposed MUL zoning district is consistent with the Subarea 10 Plan's RAC policy. In November 2000, there was a request to rezone this parcel and several others along Hillsboro Circle to MUL. This proposal was disapproved by the Planning Commission citing that it would be premature since a UDO had not been adopted in the Green Hills area. An Urban Design Overlay, typically, assures development objectives of the RAC policy and considers pedestrian linkages within and adjacent to this area. The Subarea 10 plan recommends that "...future development within the RAC policy area integrate internal and external pedestrian facilities, to cut down on the number of automobile trips within the area" (Area 11A, p. 58). A voluntary Urban Design Overlay was adopted in August 2002. A PUD plan is accompanying this proposal due to the complexity and intensity of the RAC policy and the voluntary UDO in this area. The PUD plan proposes that all uses be permitted under MUL zoning with the exception of restaurant and bar or night club uses. If any of these uses are ever proposed, it will require a PUD amendment and Council approval. The PUD plan is intended to address uses allowed under MUL zoning that would not create a nuisance for the residents abutting this property to the west (i.e. dumpsters).

**RECENT REZONINGS** - None.

**TRAFFIC** - Based on the trip generation numbers for mixed use limited (MUL), this proposal is expected to generate approximately 43 to 301 daily vehicular trips ranging from townhome to specialty retail center uses. (Institute of Transportation Engineers, 6<sup>th</sup> Edition, 1996). Other uses at different densities could generate more or less traffic.

**Public Works Recommendations**

Current Zoning OR20, Peak Adj. Street Traffic (Code 710, General Office)  
AM trips = 10 PM trips = 9

Proposed Zoning MUL, Peak Adj. Street Traffic (Code 710, General Office)  
AM trips = 12 PM trips = 11

“No Exception Taken.”

**METRO NASHVILLE PUBLIC SCHOOL REPORT**

**SCHOOLS**

**(Proposed Student Generation) <1\_ Elementary <1\_ Middle <1\_ High**

**Schools Over/Under Capacity\*** - Students would attend Julia Green Elementary, Moore Middle School and Hillsboro High School. Julia Green and Moore have been identified as being overcrowded by the Metro School Board. There is capacity at an elementary school and middle school within the cluster. This information is based upon data from the school board last updated January 16, 2004.

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

**Planned School Capital Improvements**

Location	Project	Projected Date
Hillsboro High School	Renovation	FY07-08
Moore Middle School	Renovation	FY05-06

**Resolution No. 2004 –**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-023U-10 is **APPROVED. (8-0)**

**The proposed MUL district is consistent with the Subarea 10 Plan’s Regional Activity Center (RAC) policy intended for concentrated mixed-use areas anchored by a regional mall. A PUD plan is accompanying this proposal due to the complexity of the RAC policy and the voluntary UDO on the property. The PUD plan proposes all uses permitted under the MUL zoning district with the exception of restaurant and bar or night club uses.”**

- 7. **2004P-005U-10**  
Hillsboro Circle  
Map 131-02, Parcel 12  
Subarea 10 (1994)  
District 25 (Shulman)

A request to apply a preliminary Planned Unit Development on property located at 4103 Hillsboro Circle, abutting the west margin of Hillsboro Circle, 332 feet north of Hobbs Road, classified OR20 and proposed for MUL, (0.17 acres), to permit all uses permitted in the MUL zoning district with the exceptions of restaurants or bars and night clubs, requested by Phillips-Robinson Company, owner.

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST**

**Preliminary PUD** - Request to adopt a new Preliminary PUD to permit all uses permitted in the MUL zoning district with the exceptions of restaurants, bars and night clubs, unless the PUD is amended by the Metro Council to

allow these uses. The property is located abutting the west margin of Hillsboro Circle, 332 feet north of Hobbs Road.

**PLAN DETAILS** - The intent of this plan is to allow all uses permitted under the proposed MUL zoning district with the exception of restaurants, bars or night club uses, unless the PUD is amended by the Metro Council to allow these uses. This would address uses that may create a nuisance for the residents abutting this property to the west by preventing dumpsters from facing their residences. The plan proposes to use the existing building and eight existing parking spaces. The existing building is two stories with a basement totaling 3,915 square feet. The building is consistent with the surrounding development along Hillsboro Circle.

The existing tree line will serve as a landscaping buffer for the residential development to the west. There is also a blue-line stream abutting the property to the west in which floodway and floodplain consumes most of the property. The new floodplain and floodway regulations do not apply since the plan proposes to use the existing building and parking spaces, and no new construction is proposed.

Revised plans should be submitted to show the right-of-way on Hillsboro Circle. The Major Street Plan shows that Hillsboro Circle is a nonresidential collector street, which requires 72 ft. of ROW. If the existing ROW is less than 72 ft., then the plan must show one half of the difference.

**CONDITIONS**

1. Prior to final PUD approval, revised plans should be submitted showing the right-of-way, including any necessary right of way dedication, on Hillsboro Circle. An access and parking analysis may also be required at the final PUD stage depending on the proposed use.
2. Prior to final PUD approval, the land use must be designated and identified on the plan.

Approved with conditions **(8-0)**, *Consent Agenda*

**Resolution No. 2004 –120**

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 2004P-005U-10 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to final PUD approval, revised plans should be submitted showing the right-of-way, including any necessary right of way dedication, on Hillsboro Circle. An access and parking analysis may also be required at the final PUD stage depending on the proposed use.
2. Prior to final PUD approval, the land use must be designated and identified on the plan.”

8. **2004Z-049U-13**  
Map 150, Parcel 213  
Subarea 13 (2003)  
District 33 (Bradley)

A request to change from AR2a to RS7.5 district property at 3334 Hamilton Church Road, approximately 250 feet northwest of Mt. View Road, (5.05 acres), requested by Samuel E. and Pauline Branch, owners.

**The Metropolitan Planning Commission DEFERRED Zone Change No. 2004Z-049U-13 indefinitely. (8-0)**

9. **2004Z-050G-14**  
Map 86, Parcel 71  
Subarea 14 (1996)  
District 14 (White)

A request to change from R8 to CS district property located at 4005 Dodson Chapel Road, north of Central Pike, along the east side of Dodson Chapel Road, (0.50 acres), requested by Richard Benson, owner.

**Staff Recommendation- Disapprove**

**APPLICANT REQUEST** - Rezone .50 acres from residential (R8) to commercial service (CS) district property at 4005 Dodson Chapel Road, north of Central Pike and Dodson Chapel intersection.

**Existing Zoning**

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

**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.

**SUBAREA 14 PLAN POLICY**

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

**Policy Conflict** - The proposed zoning district (CS) is not consistent with the RMH policy, which is intended for residential development within a density range of nine to twenty dwelling units per acre. The adjacent parcel is zoned commercial, but extension of CS zoning further into the RMH policy area is inappropriate. The Subarea 14 Plan Update is underway and may establish a new land use policy for this area, but there is no completion date for the Update set at this time.

**RECENT REZONINGS** - The Commission recommended Disapproval as Contrary to the General Plan of parcels 138 and 139 from RS10 to CS and of parcel 143 from RS10 to MUL on April 8, 2004.

**TRAFFIC** - No Exception Taken.

**Typical Uses in Existing Zoning District: R8**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.50	4.63	2	--	2	3

**Typical Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (820)	0.50	0.242	5,270		6	20

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	+4	+17

**Maximum Uses in Existing Zoning District: R8**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.50	4.63	2	--	2	3

**Maximum Uses in Proposed Zoning District: CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (852)	0.50	.30*	6,534		203	226

\* FAR adjusted to reflect the size of this site and a realistic maximum potential buildout with this use.

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	+201	+223

**Planned Roadway Capital Improvements:**

Location	Project	Funding	Projected Date
CENTRAL PIKE—COMBINED PROJECTS	CENTRAL PIKE LEBANON PIKE (STATE ROUTE 24) TO INTERSTATE 40 CONNECTOR, ENGINEERING, RIGHT-OF-WAY, RECONSTRUCT AND WIDEN, INCLUDES BRIDGE OVER STONER CREEK	PROPOSED G.O. BONDS, FEDERAL FUNDS, APPROVED G.O. BONDS	FY03-04 TO FY05-06
CENTRAL PIKE	CENTRAL PIKE - SR 45 TO WILSON COUNTY LINE (SR 265)	STATE AND FEDERAL FUNDS	FY06-07 TO FY08-09

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

Mr. Shawn Henry, legal representative, presented a diagram to the Commissioners and spoke in favor of the zone change request.

Ms. Kim Wall, 3658 Hoggart Road, spoke in favor of staff recommendation to disapprove the CS zone change request.

Ms. Susan Floyd, 222 Bonnabrook, spoke in opposition to the request of rezoning from R8 to CS.

Mr. James Burnett, 2700 Fleet Drive, spoke in opposition to CS zoning for this area.

Councilmember White spoke in favor of the zone change request. He explained that Mr. Benson of Benson's Market would like to have the property rezoned in order to accommodate additional parking for his business.

Ms. Nielson commented that the Commission should be rezoning according to regulations and not for specific uses.

Mr. McLean stated he would be in favor of approving the zone request due to the specifics of this case.

Mr. Clifton spoke of MUL and MUN zoning. He stated that appropriate zoning could be established to benefit not only the business owner, but the area as well.

Ms. Cummings stated that CS zoning would be too liberal for the area and requested clarification on the MUL zoning. She stated that MUL zoning would be more neighborhood-friendly for the area.

Mr. Ponder spoke in favor of the MUL zoning. He stated that this business owner has been in business for the past 55 years and would like to continue. He moved to disapprove the CS zone change and moved to approve MUL zoning for this parcel.

Ms. Jones commented on the feasibility of rezoning this parcel to MUL and its relation to the CS and OL zoning that surround the parcel.

Mr. Loring stated he was in favor of rezoning to CS due to the fact that the parcel can be rezoned at a later date, if it was desired to do so.

Mr. Clifton expressed concerns regarding zoning a piece of property with the understanding that it could be rezoned back to its original uses by a councilperson.

Mr. Ponder moved, and Ms. Cummings seconded the motion, to disapprove Zone Change No. 2004Z-050G-14, but to recommend MUL zoning for both parcels (071 & 072). **(7-2) No Votes - Loring, McLean**

**Resolution No. 2004 –121**

**“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-050G-14 is **DISAPPROVED FOR CS ZONING, BUT APPROVED FOR MUL ON BOTH PROPERTIES.** (7-2)**

**The proposed CS district is not consistent with the Subarea 14 Plan's Residential Medium High (RMH) policy calling for residential development within a density range of nine to twenty dwelling units per acres. Although there is commercial zoning adjacent to this parcel, extension of CS zoning further into the RMH policy area is inappropriate. Some expansion of nonresidential uses is appropriate at this location. CS allows for uses that are not compatible with the surrounding residential uses. MUL would allow for commercial and residential uses that are compatible with the surrounding area.”**

**10.                   2004Z-051G-06**  
Map 126, Parcel 144  
Subarea 6 (2003)  
District 35 (Tygard)

A request to change from CN and R80 district to CS district property located at Highway 70 South (unnumbered), along the east side of Old Charlotte Pike, (6.46 acres), requested by James and Carolyn Gunter, owners.

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-051G-06 to May 13, 2004. (8-0)**

**11. 2004Z-053U-12**  
 Map 147-07, Parcel 159  
 Subarea 12 (1997)  
 District 30 (Kerstetter)

A request to change from R6 to CN district property located at 4305 Goins Road, approximately 300 feet east of Nolensville Pike, (0.22 acres), requested by Dewey and Zelma Hockett, trustees.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone .22 acres from residential (R6) to commercial neighborhood (CN) district property at 4305 Goins Road, approximately 300 feet east of Nolensville Pike.

**Existing Zoning**

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

**Proposed Zoning**

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

**SUBAREA 12 PLAN POLICY**

**Commercial Arterial Existing (CAE)** - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

**Policy Conflict** - The proposed zoning district (CN) is consistent with the CAE policy intended to stabilize the current condition, prevent additional expansion along the arterial, and to redevelop areas to a nodal pattern. It is also consistent with surrounding uses along Nolensville Pike. This rezoning would square off the commercial and office development along Nolensville Pike and allow development to occur in a nodal pattern. CN is an appropriate zoning district in this location because it is at the neighborhood scale and would serve as a transition from the existing residential development along Goins Road and the high intensity office and commercial development along Nolensville Pike. Staff recommends no further expansion of commercial down Goins Road.

**RECENT REZONINGS** - The Commission recommended approval of a revision and final PUD request for parcel 160 on February 12, 2004, to permit the development of a 3,812 sq.ft. bank to replace a 6,700 sq.ft. restaurant.

**TRAFFIC** - No Exception Taken

**Typical Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.22	6.18	1	--	1	2

**Typical Uses in Proposed Zoning District: CN**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Fast Food Restaurant (934)	0.22	0.073	700		38	25

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



Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	+37	+23

**Maximum Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.22	6.18	1	--	1	2

**Maximum Uses in Proposed Zoning District: CN**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Quality Restaurant (931)	0.22	.25	2,396		2	18

**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
--	--	--	--	--	+1	+16

Approved (8-0), *Consent Agenda*

**Resolution No. 2004 –122**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-053U-12 is **APPROVED. (8-0)**

**The proposed CN district is consistent with the Subarea 12 Plan’s Commercial Arterial Existing policy intended to stabilize the current condition, prevent additional expansion along the arterial, and to redevelop areas to a nodal pattern. It would also serve as a transition between the existing residential development along Goins Road and the commercial development along Nolensville Pike. This rezoning would square off the commercial and office development along Nolensville Pike and allow development to occur in a nodal pattern.”**

**IX. PRELIMINARY SUBDIVISION PLATS**

12. **2003S-304G-03**  
Perry Subdivision  
Map 070-03, Parcel 01.01  
Subarea 3 (1998)  
District 2 (Isabel)

A request for preliminary plat approval for 7 lots abutting the northwest terminus of Walker Lane, approximately 500 feet north of West Nocturne Drive, (4.71 acres), classified RS20 district, requested by Joseph Perry, owner, R.L. Montoya, surveyor.

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST**

**Preliminary Plat** - A request for preliminary plat approval for 7 lots abutting the northwest terminus of Walker Lane, approximately 500 feet north of West Nocturne Drive (4.71 acres), classified within the RS20 District, requested by Joseph Perry, owner, R.L. Montoya, surveyor.

**ZONING**

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

**SUBDIVISION DETAILS** - This subdivision proposal is for seven lots ranging in size from 20,238 to 39,532 square feet, located in an area that currently has other RS20, RS15 and residential PUD subdivisions. The applicant would construct the remaining unbuilt section of Walker Lane connecting the Haynes Heights subdivision to the north with the Nocturne Forest subdivision to the south. A cul de sac, Gertie’s Court, off of Walker Lane will serve five of the seven lots. It is bounded on the west by a common area and easements of the Chateau Valley subdivision.

The property owner has received approval from, and executed an agreement with, Metro Public Works for stormwater detention to the south of Lot 5. There is no platted public access or easement to access the area for maintenance. Water Services indicates platted access and approved grading plans should be conditions of any final plat approval.

**TRAFFIC ENGINEER’S FINDINGS** - No exception taken.

**CONDITIONS**

1. Prior to recording a final plat:
2. The plat shall provide for access to the stormwater detention area for maintenance;
3. The applicant shall create a homeowners association to provide for maintenance of the detention area as open space;
4. Applicant shall obtain an approved grading plan; and
5. The stormwater detention area shall be labeled, “Common Area Open Space.”

Approved with conditions **(8-0)**, *Consent Agenda*

**Resolution No. 2004 –123**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-304G-03 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. Prior to recording a final plat:
2. The plat shall provide for access to the stormwater detention area for maintenance;
3. The applicant shall create a homeowners association to provide for maintenance of the detention area as open space;
4. Applicant shall obtain an approved grading plan; and
5. The stormwater detention area shall be labeled, “Common Area Open Space.”

13. **2004S-015G-12**  
Third Addition to Indian Creek

Map 181, Parcel 35  
Subarea 12 (1997)  
District 31 (Toler)

A request to remove a condition from the previous preliminary approval of 21 lots located at the northern terminus of Calderwood Drive, south of Culbertson Road, (7.22 acres), classified RS10 district, requested by Hurley-Y, owner, and Anderson-Delk and Associates, Inc., engineer.

**Staff Recommendation** - Staff recommends *approval*.

#### **APPLICANT REQUEST**

**Preliminary Plat** - This is a request to remove a condition from the previous approval of the Preliminary Plat of January 8, 2004. The request was to subdivide 7.22 acres into a 21-lot cluster lot subdivision, at a proposed density of 2.9 dwelling units per acre.

The applicant is requesting to remove condition #2 since the 75-foot turn lane was already a condition of the original Indian Creek Estates PUD, and because the additional length that was being required is no longer needed, as per the revised traffic analysis submitted to and approved by Metro Public Works. The Planning Commission adopted the following conditions with the preliminary plat approval on January 8, 2004:

#### **Resolution No. 2004 –019**

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision No. 2004S-015G-12 is **APPROVED WITH CONDITIONS. (9-0)**”

#### **Conditions of Approval:**

1. There will be no access to Culbertson Road
2. Install a 12 ft. left turn lane with 75 ft. of storage and transition per AASHTO standards on Old Hickory Boulevard at Broken Bow Drive.
3. Approval is subject to construction plan approval.
4. Comply with any required traffic conditions of the Indian Creek P.U.D. since this subdivision is sole access is through this PUD.
5. There will be no access to Culbertson Road until it improved to Collector Street standards.

**PUBLIC WORKS FINDINGS** - RPM Transportation Consultants has submitted an analysis to determine the storage lane length needed for the left turn lane on Old Hickory Boulevard at Broken Bow Drive. Metro Public Works has reviewed this analysis dated March 11, 2004, and agrees with the analysis that the 75-foot storage lane (which Indian Creek Estates must install) will be adequate for the addition’s increased traffic. Since this condition for a turn lane is a requirement of the Indian Creek Estates PUD, currently under construction, the analysis supports that no turn lane extension is necessary to accommodate the traffic from the Third Addition to Indian Creek. Staff recommends this condition be removed.

#### **CONDITIONS**

Remove condition 2. All other conditions stay in place.

Approved with conditions **(8-0)**, *Consent Agenda*

#### **Resolution No. 2004 –124**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-015G-12 is **APPROVED WITH CONDITIONS. (8-0)**”

#### **Conditions of Approval:**

1. There will be no access to Culbertson Road

2. Approval is subject to construction plan approval.
3. Comply with any required traffic conditions of the Indian Creek P.U.D. since this subdivision is sole access is through this PUD.
4. There will be no access to Culbertson Road until it improved to Collector Street standards.

14.                   **2004S-109G-02**  
Eaton Estates  
Map 17, Parcels 354 & 43.01  
Subarea 2 (1995)  
District 10 (Ryman)

A request for preliminary plat approval for 3 lots located at the northeast corner of the intersection of Lickton Pike and Freeman Hollow Road (9.41 acres), classified AR2a district, requested by Harold Clark, owner, and Dale & Associates, engineer.

**The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat No. 2004S-109G-02 to May 13, 2004. (8-0)**

**X.     FINAL PLATS**

15.                   **2004S-102G-02**  
Cobblestone Creek, Phase 1  
Map 41, Part of Parcel 2  
Subarea 2 (1995)  
District 3 (Hughes)

A request for final plat approval for 26 lots and a variance for sidewalks and curb and gutter on Old Hickory Boulevard, located abutting the north margin of Old Hickory Boulevard 1,250 feet west of Brick Church Pike, classified R8 within a Residential PUD, (6.23 acres), requested by Bruce Rainey and Associates for Autumn Partners, LLC, owner.

**Staff Recommendation** - *Approve* final plat but recommend disapproval of both variance requests.

**APPLICANT REQUEST**

**Final Plat with Variance Requests** - A request for final plat approval for 26 lots within phase 1 of the Cobblestone Creek Planned Unit Development, and a request for variances from the sidewalk requirement for Old Hickory Boulevard and to allow a ditch section to be used to widen Old Hickory Boulevard, located abutting the north margin of Old Hickory Boulevard, 1,250 feet west of Brick Church Pike.

**VARIANCE REQUESTS**

**Section 2-6.1**

**Sidewalk Construction:** The applicant is requesting a variance from the requirement to construct a sidewalk along the north side of Old Hickory Boulevard along the frontage of this Planned Unit Development. The stated hardship is that “there are no sidewalks in the area. Without sidewalks, we can use a ditch section that will drain the road better. [This] will build a sidewalk to nowhere and [will] create a potential ponding of water on Old Hickory Boulevard.”

The stated hardship does not support the granting of a variances under section 1-10 of the Metro Subdivision Regulations. Subsection B of 1-10.1 requires that the conditions upon which the request is based are unique to the property, and subsection C requires that physical surroundings or topographical conditions would prevent the practical construction of the sidewalks. The applicant has identified any topographical issues with this section of Old Hickory Boulevard. Lack of other sidewalks in the area does not create a unique hardship.

**Section 2-6.2.1**

**Street Design Standards** - The applicant is requesting a variance from the Subdivision Regulation requirement to construct a curb and gutter as part of the cross-section for new street construction or existing street upgrade. The stated hardship is that “the extremely flat grade on the existing Old Hickory Boulevard will not allow it to drain into a curb section properly. [This] will create potential ponding of water on Old Hickory Boulevard.” This subdivision is located between two commercial PUDs on Old Hickory Boulevard. Construction of standard sidewalks with a curb and gutter cross-section is both appropriated and necessary. These sidewalks ultimately will tie into sidewalks at the commercial PUDs to the east and west on Old Hickory Boulevard.

The stated hardship is not one that is unique to this site nor are there topographic features that would prevent the water from properly flowing into a curb and gutter system along the north side of Old Hickory Boulevard.

**PLAT DETAILS**

This plat is Phase 1 of the Cobblestone Creek PUD, and lays out the first 26 single-family lots of the residential development. This first phase provides the initial access point to the subdivision off of Old Hickory Boulevard, and begins the construction of one of the new internal local roads to be called Ryan Allen Circle.

Metro Council approved the Cobblestone Creek Planned Unit Development (BL2003-1394) in May of 2003. The final PUD for phase 1 was approved by the Metro Planning Commission on December 11, 2003.

**Public Works Recommendations**

1. Sidewalks are buildable along the OHB frontage. If the MPC grants a variance for the sidewalk requirement, then revised construction plans, sealed by a professional engineer, shall be submitted to Public Works showing the revised roadway shoulder design.
2. According to the construction plans submitted by the applicant, there is a 1% grade on OHB, which meets the minimum grade specified for Metro public streets. If the construction plans are in error, then revised construction plans, sealed by a professional engineer, shall be submitted to Public Works.

Mr. Mitchell presented and stated that staff is recommending disapproval of both variance requests.

Councilmember Hughes spoke in favor of staff recommendations regarding this proposal.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve Final Plat No. 2004S-102G-02, but to disapprove the sidewalk variance and recommend that the applicant work with Public Works regarding the curb and gutter issue. **(9-0)**

**Resolution No. 2004 –125**

**“BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2004S-102G-02 is **APPROVED PLAT (9-0), BUT DISAPPROVED SIDEWALK VARIANCE AND RECOMMEND APPLICANT WORK WITH PUBLIC WORKS ON CURB AND GUTTER ISSUE.”**

16. **2004S-112G-01**  
Salcedo's Subdivision  
Map 15, Parcel 39  
Subarea 1 (1997)  
District 1 (Gilmore)

A request for final plat approval to subdivide one parcel into four lots, located along the north side of Morgan Road, east of Wilkinson Road, classified AR2a district, (47.92 acres), requested by William M. Keel, surveyor, for Pepito and Zenarosa Salcedo, owner.

**Staff Recommendation** - *Approval with conditions*

**APPLICANT REQUEST**

**Final Plat - Subdivide 47.92 acres into 4 single-family lots located north of Morgan Road.**

**ZONING**

**AR2a District** - AR2a zoning requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**SUBDIVISION DETAILS** - This subdivision proposal is located in an area of Natural Conservation (NC) Land Use Policy. The subdivision regulations allow subdivisions in NC policy areas to have private roads. In this case, the private road will serve 4 lots and the road will be an all-weather surface with at least 8 inches of compacted gravel. A note has been added to the final plat that this road is to be constructed with the issuance of a building permit. A joint maintenance agreement for the private road has already been recorded and is referenced on the final plat.

**PUBLIC WORKS FINDINGS** - No exceptions taken.

**CONDITIONS**

1. The developer will construct the private road with the issuance of a building permit and prior to the use and occupancy permit for the first lot of this subdivision.

Approved with conditions **(8-0)**, *Consent Agenda*

**Resolution No. 2004 –126**

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2004S-112G-01 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. The developer will construct the private road with the issuance of a building permit and prior to the use and occupancy permit for the first lot of this subdivision.

**XI. PLANNED UNIT DEVELOPMENTS (revisions or finals)**

17. **300-84-U-04**  
Coventry Woods  
Map 52-01, Parcels 148 & 149  
Subarea 4 (1998)  
District 9 (Forkum)

A request to revise an undeveloped portion of the Residential Planned Unit Development located abutting the east margin of Forest Park Drive 380 feet north of Neely’s Bend Road, classified RS5 district, (3.9 acres), to permit the development of 47 condominium units to replace 51 units, requested by Dale and Associates for Shiloh Real Estate, owner.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST**

**Revise Preliminary** - Request to revise a portion of the preliminary residential Planned Unit Development to permit 47 condominium units on 3.9 acres along the east side of Forest Park Road at Coventry Woods Drive.

**PUD PLAN DETAILS**

The proposed plan revises a portion of the PUD to reduce the number of units from 51 to 47 for this portion of the plan, while rearranging the location of several of the units to allow for a new private driveway from Forest Park Road into the development. The plan also utilizes the existing private road, Coventry Woods Drive, as a secondary access point. The new driveway is approximately 190 feet south of Coventry Woods Drive. A clubhouse and pool amenity area is included on the proposed plan, as was part of the original council-approved plan. The PUD falls within the Subarea 4 Plan's Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre. The proposed density of 12 dwelling units per acre for the 47 multi-family units on 3.9 acres is consistent with the RMH policy.

This plan is designed to allow the remaining twenty-three undeveloped units of the plan the opportunity to connect into this plan in the future should it ever be built. Currently, there are homes on the remaining, unbuilt portion of the plan.

**History** - The entire plan for Coventry Woods was originally approved for 90 units in 1984, while only 20 units have been built in Phase 1. In January 2002, The Planning Commission recommended approval of an amendment, requiring Council concurrence, for 40 units on this property without the pool and clubhouse. That plan was considered an amendment because of the elimination of the pool and clubhouse from the plan.

Following approval of this PUD in 1984, there have been several attempts to cancel the PUD in 1985, 1997, and again in 2000. Each attempt to cancel the PUD failed since many of the owners were not in agreement. In 2000, the owners in the developed portion of the PUD were not in favor of the cancellation because they were anticipating the amenity area to be built in the future. This PUD was originally approved under common ownership (options) that have subsequently become fragmented. Consequently, it has been difficult for one portion of the PUD to proceed without the others.

The current proposed plan now only changes the portion of the plan located on tax map 52-1, parcels 148-149. This allows the property owners in the front portion of the PUD to be able to continue living in their single-family homes. Although parcels 141 through 147 are also included in this PUD district, they are not included in this PUD revision. Staff has sent a "courtesy notice" to all of the owners in the PUD and the adjacent properties to notify them of this request.

**TRAFFIC ENGINEER'S FINDINGS** - No exception taken.

#### **CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions **(8-0)**, *Consent Agenda*

#### **Resolution No. 2004 –127**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that Planned Unit Development 300-84-U-04 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

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- 18. 88P-039U-10**  
Blakemore Associates  
Map 104-08, Parcels 418 & 419  
Subarea 10 (1994)  
District 19 (Wallace)

A request for a revision to the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development located abutting the north margin of Wedgewood Avenue between 19th Avenue South and 21st Avenue South, classified MUL, (0.78 acres), to permit the development of a 4,051-square foot bank to replace 11,400 square feet of undeveloped general office, requested by Barge, Waggoner, Sumner & Cannon for Fifth Third Bank, optionee.

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**The Metropolitan Planning Commission DEFERRED Planned Unit Development No. 88P-039U-10 to May 27, 2004. (8-0)**

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- 19. 97P-019G-06**  
Trace Creek Center  
Map 155, Parcel 273  
Subarea 6 (2003)  
District 35 (Tygard)

A request for final approval for a phase of the Commercial Planned Unit Development located abutting the south margin of Highway 100 opposite Collins Road, classified CL, (1.39 acres), to permit the development of a fuel pumping station, requested by CEI Engineering for Kroger L.P.I., owner.

**Staff Recommendation** - *Approve with conditions.* If any of the conditions placed on this plan by the Metro Codes Administration are no longer required, then a letter shall be submitted by the Codes Administration to the Planning Department giving notice of the condition removal.

**APPLICANT REQUEST**

**Final PUD** - A request for final approval of the Trace Creek Center commercial Planned Unit Development to permit the development of a fuel pumping station at an existing Kroger grocery store, located along the south margin of Highway 100 opposite Collins Road.

**PLAN DETAILS**

The proposed fuel pumps are proposed to replace the unbuilt bank on this outparcel of the PUD. This property is located along Highway 100, which is designated as a Scenic Arterial (S4) on the Major Street Plan. The proposed



plan includes the required 10-foot scenic landscape buffer, as required by the Zoning Code, and right-of-way reservation for the future alterations of Highway 100.

The PUD was amended by Metro Council (BL2003-30) in November of 2003. That amendment allowed for the construction of the fuel pumping station and associated kiosk. Although staff recommended disapproval of the fuel station amendment, the Planning Commission and Metro Council both approved the proposal. The October 23<sup>rd</sup>, 2003, staff report stated that if the project was approved then certain conditions from the Codes Administration were required to be included in the plan. Those conditions have been added to this report so that all can be addressed with the Codes Administration prior to the issuance of any building permits. Additionally, the Planning Commission, upon granting a conditional approval, required that additional landscaping be provided between the gas station facility and Highway 100 to further the intentions of the scenic roadway designation.

**METRO PUBLIC WORKS' COMMENTS** - All comments were satisfactorily addressed by the applicant.

### **CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. A revised plan showing additional landscaping between the fuel facility and Highway 100 as required by the Planning Commission on October 23, 2003, shall be approved by the Planning Department prior to the issuance of any building or grading permits.
6. Prior to the issuance of any building permits, the following Codes Administration conditions shall be met by the applicant:
  - Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
  - The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. "Travel distance" shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
  - The kiosk shall not exceed 100 square feet.
  - The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
  - The gas station shall be on the same or contiguous parcel of land as the main retail store.
  - The employee operating the gas station shall be an employee of the retail store.

- Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
- No customers shall be permitted in the kiosk.
- The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
- A fire hydrant is required to be within 500 feet of all portions of the fuel station.

Approved with conditions (8-0), *Consent Agenda*

**Resolution No. 2004 –128**

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 97P-019G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. A revised plan showing additional landscaping between the fuel facility and Highway 100 as required by the Planning Commission on October 23, 2003, shall be approved by the Planning Department prior to the issuance of any building or grading permits.
6. Prior to the issuance of any building permits, the following Codes Administration conditions shall be met by the applicant:
  - Required restroom facilities for the retail store and gas station shall be located (or relocated) inside the main entrance of the retail store prior to the issuance of any building permit for the gas station.
  - The travel distance from the restroom facilities to the gas station kiosk shall not exceed 500 feet. “Travel distance” shall be measured along a pedestrian path of travel from the most remote point inside the kiosk to the doors of the restroom facility.
  - The kiosk shall not exceed 100 square feet.
  - The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
  - The gas station shall be on the same or contiguous parcel of land as the main retail store.

- The employee operating the gas station shall be an employee of the retail store.
- Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
- No customers shall be permitted in the kiosk.
- The gas station and retail store shall remain under common ownership, management, or control. The gas station may not be operated independently of the retail store.
- A fire hydrant is required to be within 500 feet of all portions of the fuel station.”

**20. 2000P-005G-06**  
 Hollywood Video - Bellevue  
 Map 155-12, Parcel 2  
 Subarea 6 (2003)  
 District 35 (Tygard)

A request to revise the preliminary plan and for final approval for an undeveloped phase of the Planned Unit Development located abutting the north margin of Highway 100 and the south margin of Old Harding Pike, classified CL, (2.42 acres), to permit the development of a 12,200-square foot video rental store to replace an 11,000-square foot retail / restaurant, requested by Civil Site Design Group for M & M Tennessee Investment L.P., owner.

**Staff Recommendation - *Approve with conditions***

**APPLICANT REQUEST**

**Revise Preliminary & Final PUD** - Request for a revision to a preliminary Planned Unit Development and for final plan approval for the Bellevue Walgreens Commercial PUD to allow for the development of a 12,200-square foot retail (video rental) facility. The property is located along the north side of Highway 100 and the south side of Old Harding Pike at the newly constructed Old Harding Pike Connector Road.

**PLAN DETAILS**

The plan proposes to replace the Council-approved 11,000-square foot building and construct a larger 12,200-square foot facility that will still house retail / restaurants, but primarily be constructed for the proposed video rental store.

Because the addition of 1,200 square feet of floor area to the PUD does not increase the Council-approved square footage by more than 10%, an amendment to the PUD is not required for this addition. Metro Council approved the PUD in August of 2002 (BL2002-1085), allowing for a total floor area of 32,060 square feet. In October of 2002, the applicant requested a revision to the preliminary by replacing a 6,500-square foot retail building with a 7,061-square foot building. That brought the total floor area to 32,621 square feet – which, even with this new revision, will still keep the total square footage under the 10% limit.

All points of ingress & egress remain the same for the revised plan, and the plan meets all parking and buffering requirements of the Metro Zoning Code.

**METRO PUBLIC WORKS’ COMMENTS** - All comments were satisfactorily addressed by the applicant.

**CONDITIONS**

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.

3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions **(8-0)**, *Consent Agenda*

**Resolution No. 2004 –129**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2000P-005G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. 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.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

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**XII. MANDATORY REFERRALS**

- 21. 2004M-026U-10**  
 Aerial encroachment: Vanderbilt/W. End fiber optic  
 Map 104-6, Various Parcels  
 Subarea 10 (1994)  
 District 18 (Hausser)

A request for an aerial encroachment to place fiber optic cable in the right-of-way from 300 feet south of the Acklen Avenue ramp to 300 feet north, along Acklen Avenue, requested by Vanderbilt University, owner and applicant.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request for an aerial encroachment to place fiber optic cable in the right-of-way from 300 feet south of the Acklen Avenue ramp to 300 feet north, along Acklen Avenue and Orleans Drive, requested by Vanderbilt University, applicant.

Two fiber optic cables lashed together would span approximately 500 feet attached to three existing NES poles at a minimum height of 18 feet above the street. Applicant has submitted a complete application, complied with conditions for a license agreement and certificate of insurance that exceeds the minimum amounts.

**DEPARTMENT AND AGENCY COMMENTS** - Metro Water Services requires that any digging plans be submitted to MWS for approval. MWS will not be responsible for any damage to water or sewer lines during construction or installation of cable lines. No other responding departments or agencies take exception.

**RECOMMENDATION** - The following departments or agencies have reviewed this request and taken no exception: Metro Public Works, Historical Commission, Parks, Emergency Communications Center, and Water Services.

Approved (8-0), *Consent Agenda*

**Resolution No. 2004 –130**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-026U-10 is **APPROVED. (8-0)**”

**22.**                               **2004M-025U-09**  
Property conveyance to Metro Sports Authority  
Map 93-7, Parcel 51  
Subarea 9 (1997)  
District 6 (Jameson)

A request by Metro Government to convey to the Metro Sports Authority property at the southeast corner of Shelby Avenue and South 1st Street for use as a parking lot to replace parking spaces lost due to construction of the Franklin Street Corridor.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request by Metro Government to convey to the Metro Sports Authority property at the southeast corner of Shelby Avenue and S. 1st Street for use as a parking lot to replace parking spaces lost due to construction of the Franklin Street Corridor.

**DEPARTMENT AND AGENCY COMMENTS** - Metro Water Services wishes to alert the Sports Authority that there is an existing 30” sewer line and a 6” water line starting at the southeasterly portion of the parcel running northwesterly through the entire parcel. No other responding departments or agencies take exception.

**RECOMMENDATION** - The following departments or agencies have reviewed this request and taken no exception: Metro Public works, Historical Commission, Parks, Water Services, and NES.

Approved (8-0), *Consent Agenda*

**Resolution No. 2004 –131**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-025U-10 is **APPROVED. (8-0)**”

**23.**                               **2004M-030U-03**  
Whites Creek Conservation Greenway Easement  
Map 69, Parcels 41 & 45  
Map 69-08, Parcel 3  
Map 70, Parcel 4  
Subarea 3 (1998)  
Districts 1 and 2 (Gilmore and Isabel)

A request to accept and record easements, located on the east margin of Clarksville Pike, in favor of the Metropolitan Government for use in connection with the development of the Whites Creek Greenway.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request to accept and record easements, located on the east margin of Clarksville Pike, in favor of the Metropolitan Government for use in connection with the development of the Whites Creek greenway.

**APPLICATION REQUIREMENTS - None**

**DEPARTMENT AND AGENCY RECOMMENDATIONS**

The following agencies have required this request and taken no exception: Emergency Communication Center, Nashville Electric Service, Metro Historical Commission and Metro Water Services. Planning staff supports the request.

Metro Water Services recommends that easement rights be retained for an exiting 54" sewer line.

Approved (8-0), *Consent Agenda*

**Resolution No. 2004 –132**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-030U-03 is **APPROVED. (8-0)**”

**XIII. OTHER BUSINESS**

24. Recommended Capital Improvements Budget 2004-05 to 2009-2010

Approved (8-0), *Consent Agenda*

25. Executive Director Reports

26. Legislative Update

27. Contract for Regional Air Quality Alert Program

Approved (8-0), *Consent Agenda*

28. Contract State Route 386 Area Study

Approved (8-0), *Consent Agenda*

29. Contract for Commuter Rail Planning Services for FY 2004

Approved (8-0), *Consent Agenda*

30. Contract for an Advance Project Report (APR) for East Division Street (in Wilson County) and Sage Road (in Sumner/Robertson Counties)

Approved (8-0), *Consent Agenda*

**XIV. ADJOURNMENT**

The meeting adjourned at 5:30 p.m.



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Chairman

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Secretary