



**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 8, 2004

PLANNING COMMISSION:

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

Staff Present:

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

Commissioners Absent:

Jim Lawson, Chairman

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to adopt the April 8, 2004 agenda. **(8-0)**

III. APPROVAL OF MARCH 25, 2004 MINUTES

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to approve the minutes of March 25, 2004. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman requested that Item #6- 2004Z-045G-12 be removed from the consent agenda.

Councilmember Gotto commended Mr. Bernhardt for speaking favorably of the Donelson/Hermitage area at the MPO Technical Coordinating Committee meeting and for his assistance in the development of that area.

Councilmember Jameson mentioned he had two items on the consent agenda and verified that Item #12-2003P-019U-05 – McKennie Neighborhood Market was deferred indefinitely.

Councilmember Toler stated he had three items on the consent agenda and would address the Commission only if the items failed the consent agenda.

Councilmember White stated he would address the Commission regarding Item #1 – 2004Z-029G-14 & Item #2-2004Z-036G-14.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- 3. 2004S-074U-14 Pennington Bend Chase – Deferred to May 13, 2004
- 12. 2003P-019-05 McKennie Neighborhood Market – Deferred indefinitely
- 17. 2004M-024U-09 James Robertson Apts./Awning Encroachment – Deferred indefinitely
- 22. Recommended 2004-05 to 2009-2010 Capital Improvements Budget – deferred to April 22, 2004

Ms. Nielson 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 Mclean seconded the motion, which passed unanimously to approve the deferred and withdrawn items.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

- 4. 2004Z-006T Contextual Street Setbacks within the UZO district - Approve with conditions
- 5. 2004Z-044U-14 CA to MUG district, Pennington Bend Rd & Music Valley Drive - Approve with conditions

PRELIMINARY SUBDIVISION PLATS

- 7. 2004S-096G-12 Addition to Barnes Cove - Revision 1- Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions)

- 9. 177-80-U-12 Bell Crest Fire Station - Approve
- 10. 71-86-P-14 Stewartwood Annex - Approved with conditions
- 11. 90P-018U-12 Nippers Corner (Fire Department Communication Tower) - Approve
- 13. 2004P-008U-05 Pizza Restaurant - Approve with conditions
- 14. 2001UD-001G-12 Lenox Village, Phase 5 - Approve with conditions
- 15. 2001UD-001G-12 Lenox Village, Town Center - Approve with conditions

MANDATORY REFERRALS

- 16. 2004M-023U-09 Pirhana's Bar/awning encroachment - Approve
- 19. 2004M-028U-09 Property acquisition for Hume Fogg Magnet School -Approve
- 20. 2004M-029G-12 Nolensville Pike Trunk Sewer - Approve
- 21. 2004M-031U-05 Gallatin Pike Sewer Line and Easement Abandonment – Approve

Ms. Nielson moved and Ms. Cumming seconded the motion, which passed unanimously to approve the consent agenda. **(8-0)**

VII. A REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE – CENTENARY AMENDMENT (OLD CHARLOTTE PIKE/GOWER ROAD AREA)

Staff Recommendation - *Approve*

REQUEST - Amend the Bellevue Community Plan: 2003 Update.

Background - At its December 11, 2003 meeting, the Planning Commission disapproved a zone change request from AR2a and R80 to RS10 for 19.41 acres located at the northwest corner of Gower Road and Old Charlotte Pike (2003Z-142G-06) because of prematureness and inadequate facilities. The land use policy for the area is Residential Low-Medium Density, however, which normally would have supported the requested zoning. Substantial community opposition to higher density zoning was also expressed during this meeting, with area residents conveying that the proposed development was not in keeping with the rural character of the area and that urbanization could not be supported by the area's rural road network, because it appeared that the community plan for the area was not supported by the residents. The Commission directed staff to meet with area residents and review the policies for the area with the aim of arriving at a more appropriate policy.

Staff met with area residents on March 8 and 15, 2004 to discuss the Residential Low-Medium Density policy area in the vicinity of Old Charlotte Pike, Gower Road, and River Road Pike. 81 people signed in at the March 8 meeting and 51 people signed in at the March 15 meeting. The vast majority of those present strongly desired that the area remain rural. Staff concurred with area residents and the Commission that area roads are ill-suited to urbanization.

Metro currently has no plans to improve the roads in this area. Because of area residents' desires and the inadequacy of the road infrastructure, staff concurs that Rural policy, which calls for very low density development, is an appropriate policy for this area. This area is also surrounded by Natural Conservation policy, which also calls for very low density development, and the Rural policy would be complementary.

The plan amendment language and graphics showing the amendment area are shown below.

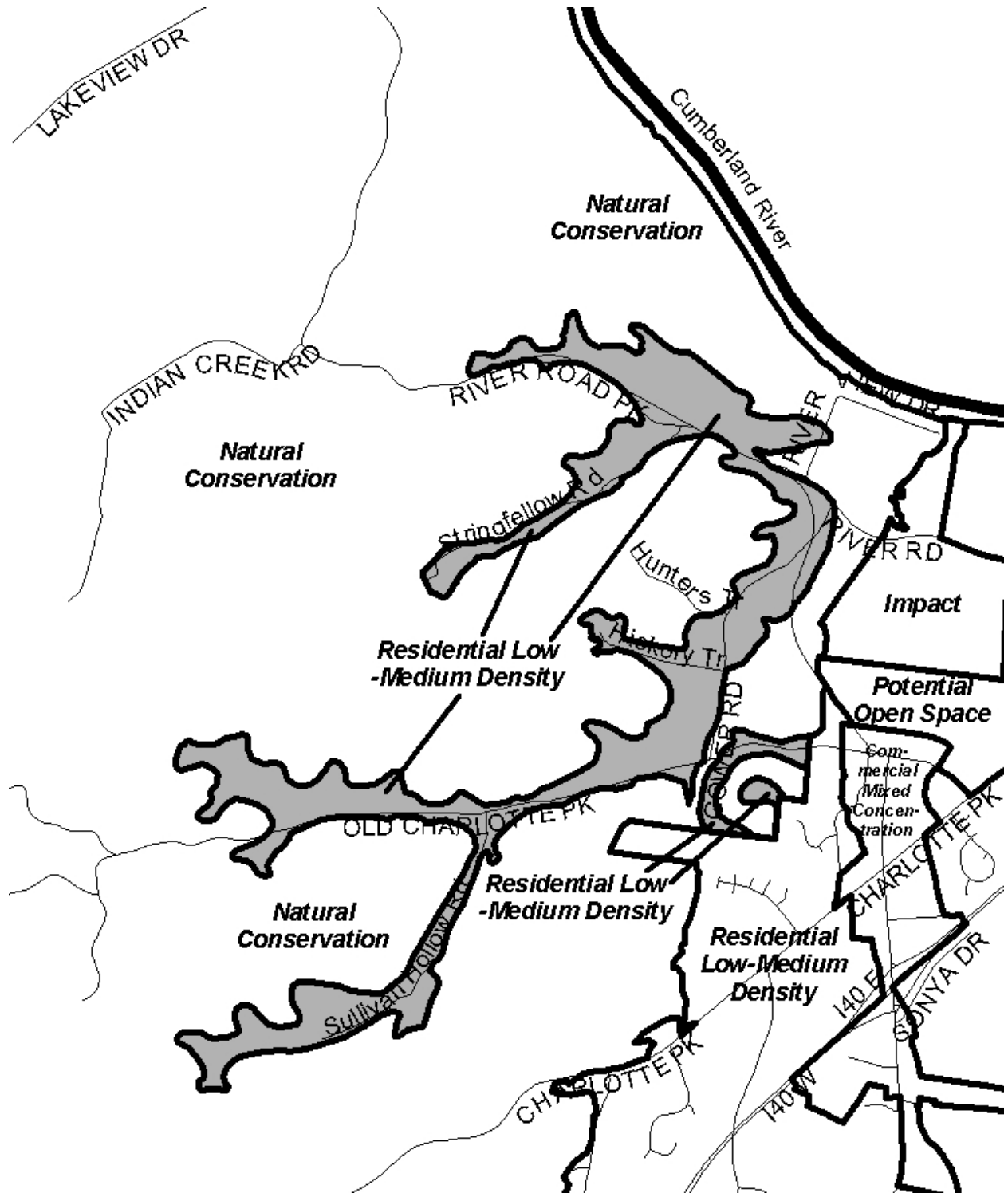
AMENDMENT NO. 2 TO THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE

The Bellevue Community Plan: 2003 Update is hereby amended as follows:

1. By amending the Structure Plan as shown on the attached Figure 1
2. By adding to Appendix C the material in Attachment A
3. By adding the following Special Policy Area to the Structure Plan as shown on the attached Figure 2 and by adding Figure 2 as a graphic to and adding the following Special Policy language to Section H: Special Policy Areas on page C-25:

Special Policy 6 applies to the Rural area in the vicinity of Old Charlotte Pike and Gower Road. Unlike some other Rural policy areas, the intent for this rural area is that development occur uniformly on large lots rather than be clustered. This will help to preserve the low density appearance of the existing road frontages and distinguish the character of the area from other nearby urbanizing areas. To meet this intent, the use of the cluster lot option available through the zoning regulations is strongly discouraged for this area. This option should be avoided unless there is no other feasible alternative for developing a property.

FIGURE 1
Land Use Policies Before Amendment



Land Use Policies After Amendment

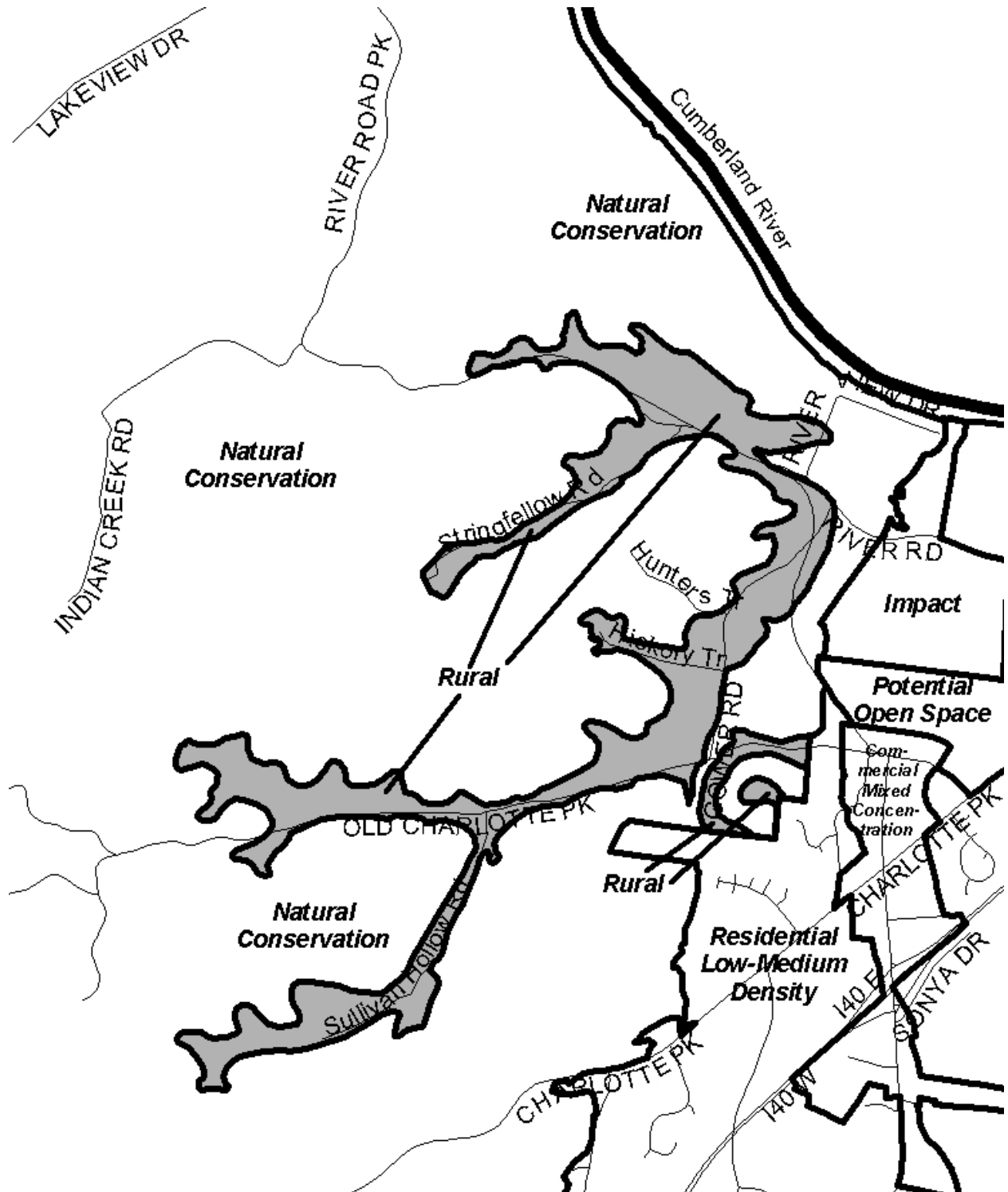
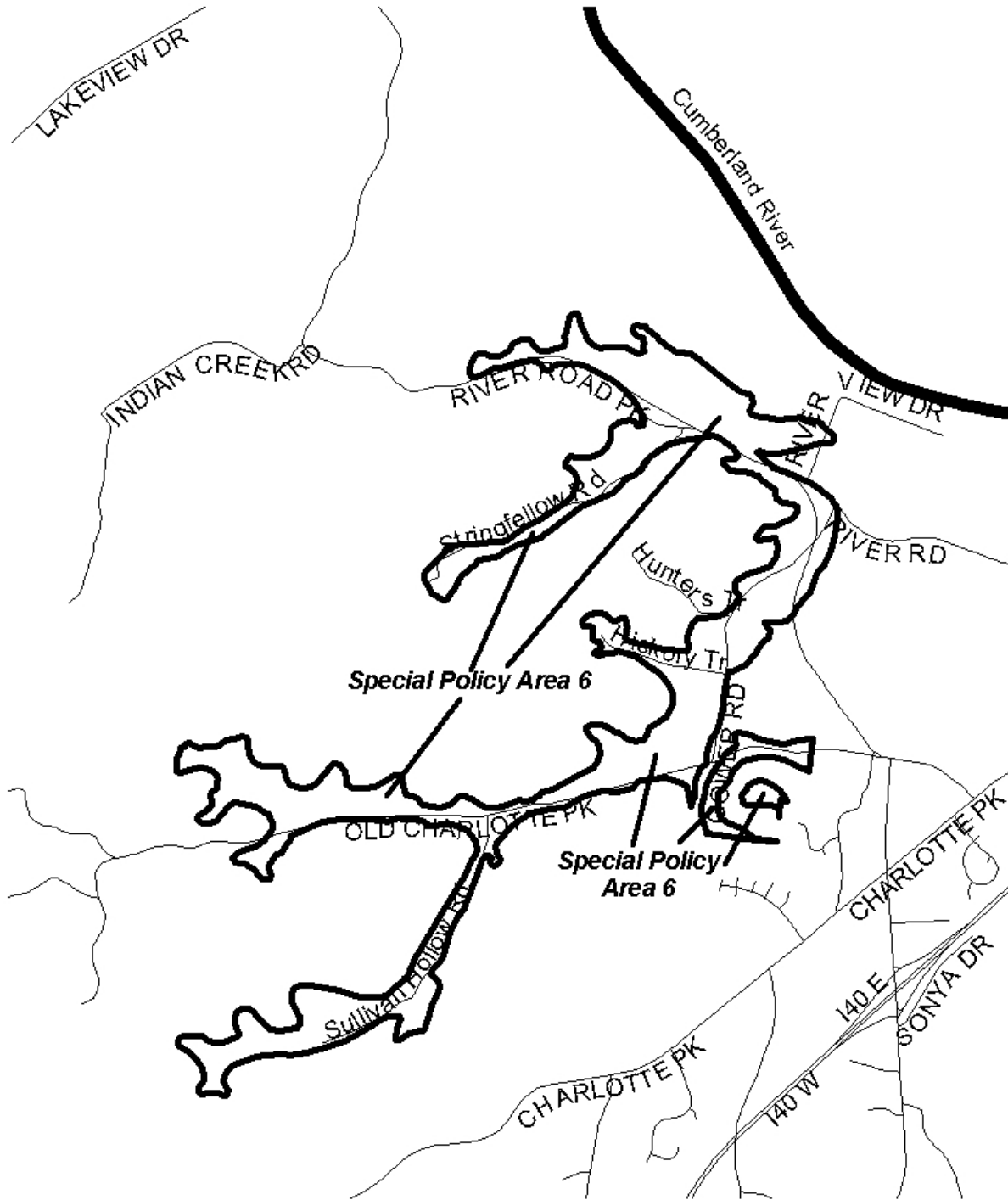


FIGURE 2



ATTACHMENT A

APPENDIX C

The following material is hereby added to Appendix C after the material on Natural Conservation policy on page C-2 and the remaining headings and pages are renumbered accordingly:

B. R – Rural

1. General Characteristics and Intent

- R is a category designed for areas that are generally physically suitable for urban or suburban development but for which the community has chosen that they remain predominantly rural in character.

2. Application

- R policy should be applied to rural areas that are generally physically suited for development but for which the choice has been made that they should remain rural in character. Because of the need to accommodate population growth in the county over time, these areas will be few in number, and should be areas where population increases are expected to be limited. Another reason that they will remain few in number is that the choice of a permanent rural environment is also provided in the NCO policy areas, which cover a substantial portion of the county's land area.
- Areas designated R should be remote from services necessary to support urbanization, especially sewers, that would be costly to provide and operate.
- Minimal accessibility is necessary to serve development in R areas.

3. Appropriate Land Uses

- The predominant type of development in R areas is low density residential that is rural in character. Agricultural uses and low intensity community facility uses are also found in R areas.
- To preserve rural character and avoid the creation of expensive sprawl, residential densities should be one dwelling unit per two acres or lower. Slightly higher gross densities may be warranted when the development is clustered and a substantial portion of the site is preserved as open space.

4. Design Principles

- Development in R areas should be clustered on a site to preserve the open nature of the rural environment and important features such as woodlands, hillsides, prime farmland, and viewsheds. Ideally, development will take the form of a rural hamlet or somewhat larger rural village.

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

Mr. Jimmy Smith, 7602 Old Charlotte Pike, spoke in favor of the amendment.

Ms. Mary Margarette Jordon, 7645 Old Charlotte Pike, spoke in favor of the amendment.

Ms. LouAnne Sandlin, 8373 Old Charlotte Pike, spoke in favor of the amendment and commended staff for their work.

Ms. Margaret Ross, 7635 Old Charlotte Pike, spoke in favor of the amendment.

Mr. Larry Sandlin, 8373 Old Charlotte Pike, spoke in favor of the amendment.

Mr. Stan Link, 513 Hickory Trail Drive, spoke in favor of the amendment.

Mr. Gary Hawkins, 6827 Gower Road, spoke in favor of the amendment.

Mr. Ron McCluer, 553 Hickory Trail Drive, spoke in favor of the amendment.

Ms. Gina McCluer, 553 Hickory Trail Drive, spoke in favor of the amendment.

Ms. Linda Dudash, 8411 Old Charlotte Pike, spoke in favor of the amendment.

Ms. Shirley Kattalina, 534 Hickory Trail Drive, spoke in favor of the amendment.

Ms. Carla Langely, 6932 River Road spoke in favor of the amendment.

Mr. Jeff Hollind, 8301 Old Charlotte pike spoke in favor of the amendment.

Mr. Kevin Tempo, 7804 Old Charlotte Pike, spoke in opposition to the amendment.

Mr. Steve Hawkins, 6670 River Road, spoke in favor of the amendment.

Ms. Lisa Elam, 7474 Old Charlotte Pike, spoke in favor of the amendment.

Ms. Anne Tate, 8681 Old Charlotte Pike, spoke in favor of the amendment.

Mr. McLean expressed concerns regarding amending rules and regulations within development processes.

Mr. Bernhardt explained that a zone change request that is contained within this subarea amendment was sent to Council and disapproved due to lack of 21 votes. He stated that the Councilmember for this area requested a waiver (which was granted) in order to rehear this zone change despite its disapproval. This zone change request has recently passed first reading at Council.

Ms. Jones requested clarification regarding the zone change request currently moving through Council and the affect the Commission's actions would have on this zone change if the amendment were approved.

Mr. Bernhardt explained that the Commission's actions would not have any affect on the zone change request currently moving through Council, unless the Council would re-refer the zone change back to the Commission.

Ms. Jones thanked the members of the Community who were present to express their concerns regarding the subarea plan amendment. She encouraged them to continue providing input regarding their community.

Mr. Loring moved to amend the subarea plan with the removal of the portion currently moving through Council as a zone change request.

This motion failed due to lack of a second.

The Commissioners briefly discussed this motion and their other options pertaining to their actions on this proposed amendment.

Ms. Nielson motioned and Ms. Cummings seconded the motion, to adopt staff recommendation to approve the request to amend the Bellevue Community Plan: 2003 Update. **(7-1) No vote – Mr. Loring**

Resolution No. 2004 –116

“BE IT RESOLVED by the Metropolitan Planning Commission that the Bellevue Community Plan Amendment: 2003 Update – Centenary Amendment (Old Charlotte Pike/Gower Road Area) was **APPROVED. (8-1)**”

Mr. Clifton arrived at 4:45

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS
ZONING MAP AMENDMENTS

1. **2004Z-029G-14**
Map 086, Parcel 143
Subarea 14 (1996)
District 14 (White)

A request to change from RS10 to MUL district property at 3746 Central Pike, at the west terminus of Chandler Road (1.28 acres), requested by John D. McCormick, for Milton C. Wright, owner. (Deferred from meeting of February 26, 2004).

Staff Recommendation - Disapprove as contrary to the General Plan

APPLICANT REQUEST - Rezone 1.28 acres from residential single-family (RS10) to mixed use limited (MUL) district property at 3746 Central Pike.

Existing 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. The RS10 district would permit 5 single-family lots on this property.

Proposed Zoning

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

SUBAREA 14 PLAN POLICY

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

Policy Conflict - Yes. The proposed MUL zoning district is not consistent with the RM policy calling for residential development at a density of four to nine dwelling units per acre. This area has seen some new development in recent years with a new police station and library across from the site. Central Pike is expected to be widened to five lanes in the future. The Subarea 14 Plan Update is underway, but there is no completion date set at this time.

RECENT REZONINGS - Parcels 138 and 139 to the south are on this agenda for a request from RS10 to CS.

TRAFFIC

With submittal of Final Development Plan 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.

Typical Uses in Existing Zoning District: RS10

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)	1.28	3.7	5	65	13	8

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.28	0.198	11,040	245	33	20

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+180	+20	+12

Maximum Uses in Existing Zoning District: RS10

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)	1.28	3.7	5	65	13	8

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	1.28	0.6	33,454	24689	2188	1798

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
--	--	--	---	+24270	+2132	+1765

Planned Roadway Capital Improvements:

Location	Project	Funding	Projected Date
CENTRAL PIKE—COMBINED IMPROVEMENTS	CENTRAL PIKE LEBANON PIKE (STATE ROUTE 24) TO INTERSTATE 40 CONNECTOR, ENGINEERING, RIGHT-OF-WAY, RECONSTRUCT AND WIDEN, INCLUDES BRIDGE OVER STONER CREEK	FEDERAL FUNDS, PROPOSED AND APPROVED G.O. BONDS, AND MISCELLANEOUS FUNDS	FY03-04 TO FY 05-06
CENTRAL PIKE	CENTRAL PIKE - SR 45 TO WILSON COUNTY LINE (SR 265)	STATE AND FEDERAL FUNDS	FY06-07 TO FY08-09

METRO SCHOOL BOARD REPORT

Projected student generation* 6 Elementary 4 Middle 3 High

Schools Over/Under Capacity - Students would attend Tulip Grove Elementary School, Dupont-Tyler Middle School, or McGavock High School. Dupont-Tyler has been identified as being over capacity by the Metro School Board. There is capacity at another middle school in this 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. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Planned School Capital Improvements

Location	Project	Projected Date
Dupont-Tyler Middle School	Renovation	FY08-09
Tulip Grove Elementary School	Renovation	FY07-08

Ms. Harris presented and stated that staff is recommending disapproval as it is contrary to the General Plan.

Mr. James Burnett, 2700 Fleet Drive, spoke in opposition to the zone change request.

Ms. Susan Floyd, 222 Bonnabrook Drive, spoke in opposition to the zone change request.

Mr. David Newman, 3911 Dodson Chapel spoke in opposition to the zone change request – opposes commercial development in this area.

Mr. John McCormick, spoke in favor to the zone change request due to its compatibility to the neighborhood.

Ms. Debra Timmons, 213 Woodland Ct., Fleetwood Homeowners Association, spoke in opposition to the zone change request.

Councilmember White spoke in favor of the zone change request. He stated that the proposed development would be compatible to the existing buildings located in the area.

Ms. Kim Wall, 3658 Hoggett Ford Road, spoke in opposition to the zone change request.

Mr. Loring spoke in favor of rezoning the parcel to commercial.

Mr. McLean stated that he was in favor of the request to rezone.

Mr. Clifton requested clarification on denying MU zoning for this area.

Mr. Bernhardt stated that amendments to the Donelson/Hermitage subarea plan are currently being reviewed and that the current subarea plan for this area does not support this development.

Mr. Clifton requested clarification on the rock quarry located in this area and expressed concerns regarding residential development in this area.

Ms. Cummings stated she was in favor of the zone change request.

Mr. Ponder requested clarification on the differences between a MUL zoning and MUN zoning.

Ms. Harris explained these concepts to Mr. Ponder.

Ms. Nielson moved, and Mr. Tyler seconded the motion, to disapprove Zone Change request 2004Z-029G-14 as contrary to the General Plan.

Mr. Ponder suggested the Commission amend the motion to include recommending approval of this zone change request as a MUN.

Mr. Loring moved, and Mr. McLean seconded the motion, to table Ms. Nielson’s motion to disapprove as contrary to the General Plan, which motion to table failed.

The Commission discussed the issues associated with this zone change request and their options in moving towards a resolution.

Mr. Clifton expressed his concerns regarding the zone change request and its association with the current subarea plan.

Mr. Loring expressed his concerns regarding the zone change request as it relates to the postponement of implementing an amended subarea plan for this area.

The motion carried to disapprove Zone Change 2004Z-029G-14 as contrary to the General Plan. (6-3)

Yes Votes – Ponder, Jones, Tyler, Clifton, Nielson, Small

No Votes – Loring, Cummings, McLean

Resolution No. 2004 –117

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-029G-14 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (6-3)**

The proposed MUL district is not consistent with the Subarea 14 Plan’s Residential Medium (RM) policy calling for residential development within a density range of four to nine dwelling units per acre.”

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2. **2004Z-036G-14**
Map 86, Parcels 138 & 139
Subarea 14 (1996)
District 14 (White)

A request to change from RS10 to CS district properties at Route 1 and 3786 Central Pike, at the southwest corner of Dodson Chapel Road and Central Pike intersection (2.96 acres), requested by Jeff Smith, Nashville Real Estate Exchange, for Odell Binkley, owner. (Deferred from meeting of March 11, 2004).

Staff Recommendation - *Disapprove as contrary to the General Plan and because no Traffic Impact Study has been submitted.*

APPLICANT REQUEST - Rezone 2.96 acres from residential single-family (RS10) to commercial services (CS) district properties at Route 1 and 3786 Central Pike, at the southwest corner of Dodson Chapel Road and Central Pike intersection.

Existing 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. The RS10 district would permit 11 single-family 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, small warehouse uses.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - Yes. The proposed CS zoning district is not consistent with the RM policy calling for residential development within a density range of four to nine dwelling units per acre. Although Central Pike is expected to be widened to five lanes, CS would be too intense and inconsistent with the existing residential uses surrounding the property. If Central Pike is widened, mixed-use development may be appropriate. The Subarea 14 Plan Update is underway, but there is no completion date set at this time.

RECENT REZONINGS - Parcel 143 to the north is also on this agenda for a request from RS10 to MUL.

TRAFFIC - A Traffic Impact Study has been requested by Metro Public Works. The applicant has had a scoping meeting, however a TIS has not been submitted.

Typical Uses in Existing Zoning District: RS10

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)	2.96	3.7	11	--	18	5

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.96	0.198	375	5	2	2

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
--	--	--	--	--	-16	-13

Maximum Uses in Existing Zoning District: RS10

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)	2.96	3.7	11	--	18	15

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/Retail (852)	2.96	0.6	77,362		2399	2674

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
--	--	--	--	--	+2381	+2659

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

Ms. Debra Timmons, 213 Woodland Ct., spoke in favor of the disapproval.

Mr. Jack Wilton, 3152 Lake Drive, requested deferral until the subarea plan was adopted.

Ms. Susan Floyd, 222 Bonabrook Drive, spoke in favor of the disapproval.

Mr. Steve Sykes, 3658 Hoggett Ford, spoke in opposition to the zone change request.

Mr. James Burnett, 2700 Fleet Drive, spoke in opposition to the zone change request.

Mr. Odell Binkley, owner, spoke in favor of the zone change request. He mentioned the proposal would enhance the existing neighborhood and that the current zoning is incompatible to the area.

Mr. Steve Sikes spoke in opposition to the zone change request.

Mr. David Newman, 3911 Dodson Chapel, spoke in opposition to the proposed zone changes.

Councilmember White spoke in favor of the proposed zone change due to its comparability to the area. He mentioned that the areas immediately surrounding this proposal are zoned commercial and this zone change request should also be commercial.

Mr. Clifton expressed concerns regarding the CS zone request and the fact that it is contrary to the general plan.

Ms. Cummings stated that the commercial rezoning was too intense for this area.

Mr. Ponder moved, and Ms. Cummings seconded the motion to disapprove Zone Change No. 2004Z-036G-14, but to recommend approval if the request to rezone was changed to MUN. (3-6)

Yes Votes - Ponder, Cummings, Loring

No Votes – Clifton, Nielson, Small, McLean, Tyler, Jones

This motion failed.

Mr. Clifton moved and Ms. Nielson seconded the motion, to disapprove Zone Change No. 2004Z-036Z-14 as contrary to the General Plan. (7-1) **No Vote – Loring**

Resolution No. 2004 –118

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-036G-14 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (8-1)**

The proposed CS district is not consistent with the Subarea 14 Plan’s Residential Medium (RM) policy calling for residential development within a density range of four to nine dwelling units per acre. Although Central Pike is expected to be widened to five lanes, CS would be too intense and inconsistent with the surrounding residential development.”

The Commission recessed at 5:45

Ms. Cummings left the meeting at 5:45 p.m.

Mr. Tyler left the meeting at 5:45 p.m.

The meeting resumed at 6:05 p.m.

PRELIMINARY SUBDIVISION PLATS

3. **2004S-074U-14**
Pennington Bend Chase
Map 062, Parcels 46, 47
Subarea 14 (1996)
District 15 (Loring)

A request for preliminary plat approval to create a 14 cluster-lot subdivision, located abutting the east margin of Pennington Bend Road, approximately 2,500 feet north of McGavock Pike (5.6 acres), classified within the R15 district, requested by Dale and Associates, surveyor, for David Shearon, owner. (Deferred from meeting of March 25, 2004).

The Metropolitan Planning Commission DEFERRED Zone Change 2004S-074U-14 to May 13, 2004. (8-0)

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

4. **2004Z-006T**
Contextual Street Setbacks within the UZO district

A request to amend Section 17.04.060 and 17.12.035 of the Zoning Ordinance for contextual street setbacks within the Urban Zoning Overlay District, requested by Planning Department staff.

Staff Recommendation - Approval. This amendment will address several shortcomings in the existing criteria for determining appropriate setbacks. While the proposed changes will shift more of the burden of compliance review from the Codes Department to the Planning Department, it will result in a more accurate response to actual site context conditions and enable a much better rate of success in carrying out the purposes of the contextual street setback provisions of the UZO.

APPLICANT REQUEST - This request was initiated by Planning Department staff based on evaluation of variances and permits that have been granted that are inconsistent with the intent of the UZO contextual setback provisions.

ANALYSIS

Existing Law: Two purposes stated in the council bill that created the UZO gave rise to the contextual setback provisions. First is the purpose of protecting existing development patterns that predate the mid-1950's and ensuring the compatibility of new development. Second is the purpose of ensuring the rebirth of older neighborhoods and commercial districts. The current UZO language pertaining to contextual setback provisions falls short in adequately supporting these purposes.

In determining the context to be used for establishing street setbacks for new construction, existing buildings are included that are newer than the mid-1950's and that have street setbacks very different from the pattern of setbacks of other existing pre-1950's buildings in the immediate area. The provisions also do not take into account the role that the existing base zoning may have in intentionally changing the character of development through redevelopment of the area. Finally, the criteria for determining contextual setbacks are prescriptive in nature and have been found to be inadequate to address the wide variety of contextual conditions that exist.

Proposed Text Change: The proposed text amendment eliminates the prescriptive criteria for determining contextual setbacks and substitutes criteria that are applied using the professional judgment of the Planning Department executive director and the zoning administrator. This ensures a case-by-case determination of

appropriate setbacks based upon the criteria and the contextual conditions specific to the case. Buildings constructed in 1950 or later are not allowed to be used in determining the contextual setback.

Finally, a provision has been included in the criteria that makes the contextual setback provisions inapplicable if the zoning that is applied to the area will clearly change the development character. An example of this is West End Avenue beyond I-440 where the development character was established by large single family homes but the zoning is high density residential (RM40). Clearly, the intent is to replace the homes with densely developed multi-family structures that fundamentally change the development character.

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

Resolution No. 2004 –119

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Text Change No. 2004Z-006T is **APPROVED. (8-0)**”

5. **2004Z-044U-14**
Map 62-01, Parcels 17 & 22
Subarea 14 (1996)
District 15 (Loring)

A request to change from CA to MUG district properties at 2471 Pennington Bend Road and Pennington Bend Road (unnumbered), at the southwest corner of Music Valley Drive and Pennington Bend Road, (4.78 acres), requested by John Hobbs, for Hobbs and Sons, L.P., owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 4.78 acres from commercial attraction (CA) to mixed use general (MUG) district property at 2471 Pennington Bend Road and Pennington Bend Road (unnumbered).

Existing Zoning

CA district - Commercial Attraction is intended for a wide range of amusement and recreational uses in association with overnight accommodations and a variety of retail and support services typically affiliated with the tourist industry.

Proposed Zoning

MUG district - Mixed Use General is intended for a moderately high intensity mixture of residential, retail, and office uses.

SUBAREA 14 PLAN POLICY

Commercial Mixed Concentration (CMC) - 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.

Policy Conflict - The proposed MUG zoning district is consistent with the CMC policy. This property was rezoned from R15 to CA in September 1998. The Commission recommended disapproval citing that the “residential properties along the Cumberland River should not transition to commercial uses until other commercial opportunities within this CMC area have been developed.” There is commercial development in the area along Music Valley Drive used as a campground site, however there has not been any other recent commercial development. Pennington Bend Road is a substandard road and would require significant road improvements. If approved, the subarea plan states that the Music Valley Area Design Plan should be consulted for further guidance as it relates to traffic circulation and improvements, and landscaping and buffering issues. Staff recommends approval because the property is now zoned commercial attraction and the proposed zoning would allow for residential, as well as, commercial uses.

RECENT REZONINGS - None.

TRAFFIC

Metro Public Works Recommendation - A Traffic Impact Study will be required to determine if mitigations are necessary due to the additional traffic generated by the proposed level of development. A TIS has not been submitted.

2004Z-044U-14: Pennington Bend Road at Music Valley Drive

Typical Uses in Existing Zoning District: CA

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	4.78	0.20	41,643	459	65	62

Typical Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	4.78	0.32	66,629	734	104	100

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
--	--	--	+24,986	+275	+39	+38

Maximum Uses in Existing Zoning District: CA

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	4.78	0.6	124,930	1375	195	186

Maximum Uses in Proposed Zoning District: MUG

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	4.78	2.0*	416,433	4585	650	621

* 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
--	--	--	291,503	+3210	+455	+435

METRO SCHOOL BOARD REPORT

Projected student generation* 23 Elementary 15 Middle 11 High

Schools Over/Under Capacity - Students would attend Pennington Elementary School, Two Rivers Middle School, or McGavock High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

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

Planned School Capital Improvements

Location	Project	Projected Date
Pennington Elementary School	Renovation	FY07-08
Two Rivers Middle School	Renovation	FY07-08

CONDITIONS

1. A traffic impact study must be submitted with any application for development to determine if mitigations are necessary due to the additional traffic generated by the proposed level of development.

Ms. Harris explained that this item was originally on the consent agenda, but was removed because she received a call in opposition.

Mr. Small announced that this item would be placed back on the consent agenda unless there was someone in the audience that wanted to hear this proposal.

Mr. McLean moved, and Mr. Ponder seconded the motion, which passed unanimously, to place Zone Change No. 2004Z-044U-14 back on the consent agenda. **(7-0)**

Resolution No. 2004 –120

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-044U-14 is **APPROVED WITH CONDITIONS.** **(7-0)**

Conditions of Approval:

1. A traffic impact study must be submitted with any application for development to determine if mitigations are necessary due to the additional traffic generated by the proposed level of development.

The proposed MUG district is consistent with the Subarea 14 Plan’s Commercial Mixed Concentration (CMC) policy intended for medium high to high density residential uses and all retail trade uses. The property is now zoned commercial attraction in which only commercial uses are permitted. The MUG would allow for residential and office, as well as, commercial uses. A traffic impact study must be submitted with any application for development to determine if mitigations are necessary due to the additional traffic generated by the proposed level of development.”

6. **2004Z-045G-12**
Map 182, Parcels 13.04 & 15
Subarea 12 (1997)
District 32 (Coleman)

A request to change from AR2a to RS10 district properties located at Route 1 Old Hickory Boulevard (unnumbered), north of Whittemore Lane and south of Legacy Drive, (34.08 acres), requested by McKinney Engineering, for Janice Rose Jones, owner.

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

Councilmember Coleman spoke in opposition to this zone change request. He stated that the conditions are unfavorable for additional development for this area. He requested that this item be deferred in order to allow time to address the issues associated with the infrastructure of the Antioch community.

Ms. Gladys Jones, 2621 Edge-of-Lake Drive, spoke in favor of the zone change.

The Commissioners discussed the issue of deferring this item and whether a bill had been filed with the Metropolitan Clerk.

Mr. Bernhardt stated that although the bill was prepared by staff, it has not been filed in the Council. Mr. Bernhardt explained that if the Councilmember did not sign the bill, and he has requested deferral, the Commission could defer the item indefinitely.

Mr. Clifton concurred with Councilmember Coleman regarding the issues associated with this area.

Mr. Ponder suggested that a portion of the land be set aside by the developer for either an elementary or middle school.

Ms. Nielson requested clarification on the difference between an access study and a traffic study.

Mr. Charles Hasty, Public Works Department, explained that due to the smaller size of the development, it would only require an access study. This is a tool used to study the access to the development and any impacts it would have on the immediate area surrounding the development.

Mr. McLean moved and Ms. Nielson seconded the motion to **DEFER INDEFINITELY (7-0)** Zone Change No. 2004Z-045G-12.

X. PRELIMINARY SUBDIVISION PLATS

- 7. 2004S-096G-12**
Addition to Barnes Cove - Revision 1
Map 173 Parcels 59, 124, 133 & 158
Subarea 12 (1997)
District 31 (Toler)

A request to revise a portion of the previously approved preliminary plat approval for a total of 131 lots, located abutting the south margin of Barnes Road, east of Nolensville Pike (49.9 acres), classified within the RS10 district, requested by Greystone Properties, LLC, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Staff Recommendation - *Approve with conditions* including a sidewalk variance along Barnes Road with a condition that a sidewalk be constructed within a 5-foot wide public pedestrian easement, as previously approved along Barnes Road.

APPLICANT REQUEST

Preliminary Plat - This request is to revise the preliminary plan to add 5.3 acres and 26 single-family lots to the previously approved plan that included 105 single-family lots.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet. The proposal is for 131 lots on 49.89 acres at a proposed density of 2.63 dwelling units per acre. The maximum number of lots allowed by the RS10 zoning is 185 single-family lots.

CLUSTER LOT OPTION - Under the proposed cluster lot option, lot sizes can be reduced up to two zoning districts (5,000 square feet) with the installation of landscape buffer yards along the perimeter of the site where the proposed lots are less than 10,000 square feet.

The plan proposes lots that range in size from 5,700 square feet to 12,000 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. This development proposes 38.20% (19.04 acres) of open space.

SUBDIVISION DETAILS - This proposed subdivision has five stub-streets to adjacent properties, and two of them are associated with a collector road, which has 60 feet of right-of-way. A local road with fifty feet of right-of-way is also being proposed within this subdivision that will connect Barnes Road to the collector road within the Sugar Valley/Barnes Cove Subdivisions in the future. This will provide a third access to Barnes Road from this subdivision as well as the Barnes Cove subdivision.

Variance - Although the applicant is requesting a sidewalk variance for approximately 210 feet along the frontage of Barnes Road, the plan does propose a 5-foot wide pedestrian easement for a 5-foot wide sidewalk to be constructed by the developer outside of the public right-of-way. The Planning Commission approved an identical arrangement to the east on Barnes Road in July 2003, for the Cottage Grove preliminary subdivision.

TRAFFIC

Public Works Recommendation - "Traffic has reviewed the TIS dated Feb. 2004 "Addition to Barnes Cove" and will approve this additional development with the following conditions:

1. The developer shall install a 12-foot wide westbound left turn lane on Barnes Road at the access road A of the new addition as shown on the site plan dated Feb. 23, 2004. The turn lane shall have 75 feet of storage and transition per AASHTO standards.
2. The access road shall be located as determined in the TIS to provide adequate sight distance."

HISTORY - The Planning Commission approved a request to extend, for one year, the preliminary approval of the original plat for 105 single-family lots on January 8, 2004.

STORMWATER - Since this preliminary approval was granted in January of 2002, the Stormwater Management staff has started a policy of requiring that appeals for stream crossings be obtained prior to Planning Commission approval. They also desire a State of Tennessee determination of whether the possible detention pond located within Open Space "E" is a wet weather conveyance and all necessary approvals to use this pond for detention and water quality. The applicant understands that they do not have an approval from the Stormwater Management Staff and that these items must be addressed prior to grading plan approval and the determination of these items may affect the final design of the subdivision.

Removal of Existing Structures - An existing home is currently located on parcel 133. A demolition bond for its removal will be required prior to any final plat recordation.

CONDITIONS

1. Metro Stormwater Appeal Committee must approve the blue-line stream crossing prior to final plat approval for the area in Phase 4 that crosses a blue-line stream. Final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee Approval.
2. The developer shall install a 12-foot wide westbound left turn lane on Barnes Road at the access road A of the new addition as shown on the site plan dated Feb. 23, 2004. The turn lane shall have 75 feet of storage and transition per AASHTO standards.
3. The access road shall be located as determined in the TIS to provide adequate sight distance.
4. Right-of-way dedication along the frontage of Barnes Road must be provided to meet collector street standards minus five feet so that a five-foot public pedestrian easement can be dedicated for the construction of a five-foot sidewalk.

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

Resolution No. 2004 -121

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2004S-096G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Metro Stormwater Appeal Committee must approve the blue-line stream crossing prior to final plat approval for the area in Phase 4 that crosses a blue-line stream. Final plats shall be submitted in sections to avoid platting the area affected by the stream prior to Stormwater Committee Approval.
2. The developer shall install a 12-foot wide westbound left turn lane on Barnes Road at the access road A of the new addition as shown on the site plan dated Feb. 23, 2004. The turn lane shall have 75 feet of storage and transition per AASHTO standards.

3. The access road shall be located as determined in the TIS to provide adequate sight distance.
4. Right-of-way dedication along the frontage of Barnes Road must be provided to meet collector street standards minus five feet so that a five-foot public pedestrian easement can be dedicated for the construction of a five-foot sidewalk.”

XI. FINAL SUBDIVISION PLATS

8. **2004S-092A-07**
West Meade Farms
Map 129-03, Parcel 38
Subarea 7 (2000)
District 23 (Whitson)

A request for final plat approval to amend the front setback from 225 feet to 125 feet at 223 Brook Hollow Road, abutting the west margin of Brook Hollow Road (1.84 acres), classified within RS80 district, requested by Eric Bowles, owner and Brad Bolton, applicant.

Staff Recommendation - *Approve*

APPLICANT REQUEST

Final Plat Amendment - Change the platted setback at 223 Brook Hollow Road from 225 feet to 125 feet.

ZONING

RS80 District - The RS80 district requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of 0.46 dwelling units per acre.

APPLICATION DETAILS - The proposed lot was created in 1998, and the subdivision plat was approved with the condition that the lot have a 225 foot setback on Brook Hollow Road. Staff was unable to locate discussion of this condition in the minutes or the staff report from the meeting, but it is assumed that this setback was required because it would put the house at the same setback as the house next door to the north (6301 Jocelyn Hollow Road).

The applicant also owns 6301 Jocelyn Hollow Road and intends to demolish the existing home and build a new home fronting Jocelyn Hollow Road, creating a side yard of 150 feet on Brook Hollow Road. The applicant requests this amendment to allow the setback on the lot in question to be similar to the side lot set back for the new house to be built at 6301 Jocelyn Hollow. The applicant has indicated he would accept 150-foot setback if the Planning Commission felt that was more appropriate, but would ultimately prefer a 125 foot setback.

The house to the south of the subject property is set back 290 feet from Brook Hollow Road. The setbacks on the rest of Brook Hollow Road are not uniform and range from around 90 feet up to 400 feet.

Street Setbacks - In residential areas with an established development (Zoning Ordinance 17.12.030.) pattern, the required setback is the average of the lots immediately adjacent or the value specified in Table 12.12.030A, whichever is greater. However, if the average setback is greater than the standard required by the table, the setback shall not be more than twice that required by the table.

The average setback of the adjacent houses is 257 feet. The setback required by Table 17.12.030A is 40 feet. Therefore, the Code provides that the required setback shall not be more than twice the value specified in the table, or 80 feet. The applicant’s request to amend the setback is clearly within allowable limits set out in the Zoning Code.

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

Mr. William Reid, 221 Brook Hollow, spoke in opposition to the proposed development.

Mr. Dudley Richter, 200 Brook Hollow Road, spoke in opposition to the development. Mr. Richter submitted photographs of the neighborhood to the Commissioners.

Mrs. Howard Hamm, spoke in opposition to the proposed development.

Mr. Jim Marks, 210 Brook Hollow Road, spoke in opposition to the request.

Mr. Dan Warlick, 6304 Jocelyn Hollow, spoke in opposition to the request.

Mr. Ryan Roberts, 6305 Jocelyn Hollow, spoke in opposition to the request.

Mr. Bill Gatzimos, 6205 Jocelyn Hollow Road, spoke in opposition to the proposed development.

Ms. Cathy Sutter, 300 Churchill Court, spoke in opposition to the request.

Ms. Shirley Horowitz, 219 Brook Hollow Road, spoke in opposition to the proposed development.

Mr. Bill Bradford, 6309 Brook Hollow Road, spoke in opposition to the development.

Mr. Brad Bolton, applicant, spoke in favor of the development. He stated that he has agreed to a setback of 150 to 175 feet with the Planning Department staff.

Mr. Clifton requested clarification on the set backs required and the current zoning codes.

Mr. McLean expressed concerns regarding the proposed setbacks and placement of the home in conjunction with the surrounding properties.

Ms. Nielson recalled that when this lot was originally subdivided, the setbacks were established in order to accommodate the odd shape of the parcel and the placement of a home in conjunction with the surrounding properties.

Ms. Jones expressed concerns regarding the setbacks established and the options available to others who reside within this area.

Mr. Loring spoke in favor of the 225 foot setback – to remain within the standards established for the neighborhood.

Ms. Nielson moved, and Mr. Loring seconded the motion, which passed unanimously, to disapprove Final Subdivision Plat No. 2004S-092A-07. **(7-0)**

Resolution No. 2004 –122

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-092A-07 is **DISAPPROVED. (7-0)**”

XII. PLANNED UNIT DEVELOPMENTS

- 9. 177-80-U-12**
Bell Crest Fire Station
Map 162, Parcel 245
Subarea 12 (1997)
District 32 (Coleman)

A request for a revision to the preliminary plan and for final approval for a phase of the Residential Planned Unit Development located abutting the east margin of Hickory Park Drive south of Bell Road, classified RM9, (1.19 acres), to permit the construction of a 80-foot Communication Tower located next and for the use of an existing Metropolitan Fire Station, requested by Adept Consulting Technology for the Metropolitan Fire Department, owners.

Staff Recommendation - Approve

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request to revise the preliminary Planned Unit Development and for final PUD approval to allow for the construction of an 80-foot tower with an accompanying antenna at an elevation of 77 feet. The property is located at 5410 Hickory Park Drive, approximately 1/3 of a mile south of Bell Road and east of Blue Hole Road.

ZONING

RM9 District/Residential PUD - The Zoning Administrator has classified this use as an accessory to “Safety Services”. The existing Metro Fire Department facility within the PUD is a “Safety Services” use.

PLAN REVIEW DETAILS - Section 17.16.080 B.2. of the Metro Code requires notification to the District Councilmember when a radio/TV/satellite tower has been applied for as a “Special Exception” use. The Zoning Administrator has determined that no Special Exception is required for this tower because it qualifies as an accessory to the Safety Service classification. Part of the determination was based on the definition of “safety service” and “telephone service” as defined in the Zoning Code. All setbacks and other bulk standards will be required to be met.

METRO PUBLIC WORKS’ FINDINGS - No Exceptions Taken

RECOMMENDATION - Staff recommends approval of the request to erect an 80-foot communication tower within the existing PUD since it will be utilized by the Metro Fire Department and other emergency agencies to further expand E-911 emergency facilities and services.

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

Resolution No. 2004 –123

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 177-80-U-12 is **APPROVED. (8-0)**”

- 10.** **71-86-P-14**
Stewartwood Annex
Map 96-12, Parcel 49
Subarea 14 (1996)
District 14 (White)

A request for final approval for a phase of the Planned Unit Development located abutting the north margin of Stewarts Ferry Pike 370 feet west of Lauer Drive, classified CL, (1.79 acres), to permit the development of a 7,700 square foot retail building, requested by Batson and Associates for Bobby Shoffner owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Request final approval for a portion of the Commercial PUD to allow for the development of 7,700 square foot retail building. The property is located along the north side of Stewarts Ferry Pike, north of Interstate 40.

PLAN DETAILS

The plan is part of a previously approved PUD that includes two buildings: one 7,700 square feet and the other 10,500 square feet, with access to the site via the private drive / parking area of the adjacent strip commercial center. The strip center has two points of ingress and egress onto Stewarts Ferry Pike. Both Planning staff and Metro Public Works recommend approval of using the parking area as an access point.

METRO PUBLIC WORKS’ COMMENTS

Comments regarding the proposed sidewalk along Stewarts Ferry Pike were submitted to the applicant. These comments were satisfactorily addressed.

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 -124

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 71-86-P-14 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.”

- 11. 90P-018U-12**
 Nippers Corner (Fire Department Communication Tower)
 Map 161, Parcel 266
 Subarea 12 (1997)
 District 27 (Foster)

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 Old Hickory Boulevard east of Edmondson Pike, classified SCC, (1.25 acres), to permit the construction of a 65-foot communication tower located next to and for the use of an existing Metropolitan fire station, requested by Adept Consulting Technology, for the Metropolitan Fire Department, owners.

Staff Recommendation - Approve

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request to revise the preliminary Planned Unit Development and for final PUD approval to allow for the construction of a 65-foot tower with an accompanying antenna at an elevation of 67 feet.

The property is located in the Nipper's Corner PUD at 15530 Old Hickory Boulevard, approximately 860 feet east of Edmondson Pike.

ZONING

SCC District - The proposed tower is classified as an accessory use to a "Safety Service" use. Safety service uses are permitted by right in the SCC district.

PLAN REVIEW DETAILS - Section 17.16.080 B.2. of the Metro Code requires notification to the District Councilmember when a radio/TV/satellite tower has been applied for as a "Special Exception" use. The Zoning Administrator has determined that no Special Exception is required for this tower because it qualifies as an accessory to the Safety Service classification. Part of the determination was based on the definition of "safety service" and "telephone service" as defined in the Zoning Code. All setbacks and other bulk standards will be required to be met.

METRO PUBLIC WORKS' FINDINGS - No Exceptions Taken

RECOMMENDATION - Staff recommends approval of the request to erect a 65-foot communication tower within the existing PUD since it will be utilized by the Metro Fire Department and other emergency agencies to further expand E-911 emergency facilities and services.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –125

"BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 90P-018U-12 is **APPROVED. (8-0)**"

- 12. **2003P-019U-05**
McKennie Neighborhood Market
Map 83-01, Parcels 33, 34, 35, 39, 40, 41 & 42
Map 72-13, Parcels 338, 339 & 340
Subarea 5 (1994)
District 5 (Murray)

A request for final approval for the Planned Unit Development located abutting the west margin of Gallatin Pike south of Douglas Avenue, classified CL, (4.67 acres), to permit the development of a 39,910 square foot retail grocery store and 2,932 square foot retail/office/restaurant uses, requested by Gresham Smith and Partners, for Wal-Mart Store Inc. owners.

The Metropolitan Planning Commission DEFERRED INDEFINITELY (8-0) Zone Change 2003P-019U-05.

- 13. **2004P-008U-05**
Pizza Restaurant
Map 083-09, Parcel 87
Subarea 5 (1994)
District 6 (Jameson)

A request for preliminary approval for a Planned Unit Development located abutting the east margin of North 11th Street 50 feet north of Forrest Avenue, classified MUL, (.20 acres), to permit an existing restaurant an exemption from the minimum distance requirement included in the beer provisions of the Metro Code, requested by Dale and Associates, for March Egerton, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD - Request for preliminary PUD approval that is intended to allow for a distance exemption from the beer licensure requirements for an existing facility, proposed for a pizza restaurant, which is located at 203 North 11th Street. The property is located in the northeast corner of Forrest Avenue and North 11th Street, one block east of Gallatin Avenue.

Reason for Request - Per Metro Ordinance BL2003-1353, restaurants / bars that have obtained a license from the Tennessee Alcoholic Beverage Commission permitting the sale of alcoholic beverages for on-premises consumption will be exempt from the minimum distance requirements for the issuance of beer permits if a commercial PUD is established over the subject property.

EXISTING ZONING

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

A full-service restaurant is a permitted use by right within the MUL district.

PLAN DETAILS

The plan shows an existing building that fronts North 11th Street, with all associated parking located to the rear of the site and accessed via an existing north-south alley that runs behind those lots fronting North 11th Street.

METRO PUBLIC WORKS’ RECOMMENDATION - No Exceptions Taken

STAFF RECOMMENDATION - Staff recommends conditional approval of the request to establish a PUD on the property currently zoned MUL district. This property is located within Subarea 5 and is located along a split between Residential Medium (RM) and Commercial Arterial Existing (CAE) land use policies. The Subarea Plan recognizes that there are existing nodes of neighborhood commercial activity, as well as some scattered individual corner parcels with commercial uses. The plan calls for guiding neighborhood commercial nodes in accordance with the standard policies for neighborhood commercial nodes and detailed in the Land Use Policy Application handbook.

Staff recommends conditional approval of the proposed plan since the plan, recognized as an existing facility, meets the majority of the bulk standards as required by the PUD standards of the Metro Zoning Code. The plan does not provide the required landscape buffer between separate zoning districts. A type C buffer is required by the Zoning Code on this property where it abuts the R6 zone district. The existing building prevents the installation of an ordinary C buffer, however. Staff recommends that the applicant be required to install a buffer where the property abuts the R6 zone district that is acceptable to the Urban Forrester.

CONDITIONS

1. Prior to final PUD approval by the Planning Commission, the plan shall be revised to provide a landscape buffer along the north property line that is acceptable to the Urban Forrester.
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.

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

Resolution No. 2004 –126

“BE IT RESOLVED by the Metropolitan Planning Commission that Planned Unit Development No. 2004P-008U-05 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Prior to final PUD approval by the Planning Commission, the plan shall be revised to provide a landscape buffer along the north property line that is acceptable to the Urban Forrester.
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.”

14. **2001UD-001G-12**
Lenox Village, Phase 5
Map 173, Portions of Parcel 73 & Parcel 220
Subarea 12 (1997)
District 31 (Toler)

A request for final UDO approval for a portion of the plan located along Sunnywood Drive, east of Nolensville Pike, to permit development of 22 townhouses, 10 single-family rear access homes, 9 single-family street access homes, 17 live/work or townhouses, and 4 live/work or single-family rear access homes, (17.47 acres), requested by Anderson-Delk & Associates, Inc., applicant, for McGowan Family Limited Partnership, owner.

Staff Recommendation - Approve Phase 5 with conditions, including the establishment of a traffic-improvement phasing plan with the approval of the final plat for this phase. The current traffic recommendations are the maximum amount of improvements that may be needed for this project. Negotiations are continuing and the final traffic recommendations will be presented either at the Commission meeting or prior to final plat approval.

APPLICANT REQUEST - Approval of final UDO plan for Phase 5 in order to permit development of 22 townhouses, 10 single-family rear access homes, 9 single-family street access homes, 17 live/work or townhouses, and 4 live/work or single-family rear access homes, on a total of 17.47 acres.

Existing Zoning

RM9 zoning with a UDO - Mixed housing type residential development in accordance with a design concept plan and design guidelines.

MUL zoning with a UDO - Moderate intensity mixture of residential, retail, restaurant, and office uses in accordance with a design concept plan and design guidelines.

SUBAREA 12 PLAN POLICY

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

Policy Conflict - No. The UDO determines the density and design of development on this land.

TRAFFIC

Traffic Study Submitted - Yes – an amended TIS was required as part of the July 2003 Council-approved amendment to the UDO. The approved condition required that an amended TIS be submitted and approved prior to the submission of any future requests for a final UDO.

Metro Traffic Engineer’s Findings - Approved the TIS with conditions. Those conditions are attached to the Town Center final UDO staff report on this same agenda.

Recommendation - Staff recommends approval, subject to the conditions recommended by Public Works arising out of the Traffic Impact Study.

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

Resolution No. 2004 –127

“BE IT RESOLVED by the Metropolitan Planning Commission that UDO No. 2001UD-001G-12 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

Old Hickory Blvd/ Nolensville Road Intersection:

For the intersection of Old Hickory Blvd., the TIS suggested that only a grade separation design mitigation will improve this intersection to the level of service D.

Existing PM peak hour LOS is E, with an intersection delay of 58 seconds, background traffic conditions result in AM peak hour LOS E and PM peak hour is LOS F, with an intersection delay of 95 seconds. With the addition of total project build out the LOS remains at LOS E and LOS F, with the average delay increasing to 122 seconds. There are no recommended mitigations for this intersection.

Barnes Road / Nolensville Road Intersection:

At the intersection of Barnes/Celebration Way and Nolensville Road, a signalized intersection, the existing LOS is acceptable. With background traffic, the LOS remains acceptable. With the addition of the total project build out, this intersection will operate at LOS F in the am and pm peak hours. A review of the Nolensville ROW information Indicates that there is approximately 70 ft of Right of way on Nolensville at this location.

The developer shall install the following mitigations.

1. Modify existing signal
2. Install a 12 ft wide north bound lane for a minimum distance of 400 ft in advance of Barnes Rd and 250 ft past intersection with transition per AASHTO standards.
3. Install a 12 ft wide south bound through lane for a minimum distance of 600 ft in advance of Celebration Way and 250 ft past intersection with transition per AASHTO standards. Construction plans shall be submitted to locate optimum beginning and ending of this road widening.

Holt Road / Nolensville Road Intersection:

This is a stop controlled intersection with Holt stopping for Nolensville Road. The Eastbound turn lanes operate at LOS F with a 69 second average delay. Under background traffic conditions the delay increases to 234 sec/veh. With the project, the delay increases to 6979. With the installation of a NB left turn lane and signalization, the LOS is F, with delay of 104 sec/veh.

1. Install NB left turn lane on Nolensville Rd with 75 ft storage and transition per AASHTO standards.
2. Install signal with optimum signal timing. Submit signal plan to Metro engineer for approval.

Along Lenox Village property frontage on Nolensville Road:

1. Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
2. Reserve 1/2 ROW for Nolensville Road U6 classification. (1/2 Of 132 ft)

Lord's Chapel Way, northernmost access point (access #1):

The northernmost access point (access 1) to Lenox Village has already been constructed.

1. The pavement shall be striped to provide WB left turn lane and WB right turn lane.
2. No on-street parking shall be allowed for 300 feet from intersection on the north side of access 1 in order to allow adequate storage.
3. Install 12-foot wide southbound (SB) left turn lane on Nolensville Rd with 75 feet of storage length.

Bradford Hills / Lenox Village Drive and Nolensville Road intersection (access #2):

The Bradford Hills / Lenox Village Drive and Nolensville Road intersection is currently signalized.

1. Re-stripe WB Lenox Village Dr for left/thru lane and a WB right lane.
2. Install NB right turn lane.
3. Install 150 ft SB left turn lane in 2-way left turn lane.
4. Provide no parking on north side of access road for 200 ft from intersection

Project access #3, private drive for Commercial :

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #3
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane

Project access #4:

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #4 road
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane
4. No on street parking shall be provided for 75 ft from intersection
5. Provide adequate sight distance

Project access #5:

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #5 road
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane
4. Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities. Access 5 shall be located opposite school drive
5. Provide adequate sight distance”

- 15. 2001UD-001G-12**
 Lenox Village, Town Center
 Map 172, Parcel 243
 Subarea 12 (1997)
 District 31 (Toler)

A request for final UDO approval for a portion of the plan located adjacent to Nolensville Pike to permit development of 87,858 square feet of retail development; 31,983 square feet of live / work space; and 7,050 square feet of restaurant / medical - financial, (8.15 acres), requested by Batson & Associates Engineering, applicant, for Lenox Village III, LLC, owner.

Staff Recommendation - *Approve with conditions*, including the establishment of a traffic-improvement phasing plan with the approval of the first final plat for the Town Center portion of the plan. The current traffic recommendations are the maximum amount of improvements that may be needed for this project. Negotiations are continuing and the final traffic recommendations will be presented either at the Commission meeting or prior to final plat approval.

APPLICANT REQUEST - Approval of final UDO plan for the Town Center in order to permit development of 87,858 square feet of retail development; 31,983 square feet of live / work space; and 7,050 square feet of restaurant / medical - financial, on a total of 8.15 acres.

Existing Zoning - MUL zoning with a UDOModerate intensity mixture of residential, retail, restaurant, and office uses in accordance with a design concept plan and design guidelines.

SUBAREA 12 PLAN POLICY

Mixed-Use Policy (MU) - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

Policy Conflict - No. The final UDO is consistent with the Council-approved preliminary UDO, which determined the density and design of development on this land.

TRAFFIC

Traffic Study Submitted - Yes. An amended TIS was required as part of the July, 2003, Council-approved amendment to the UDO. The approved condition required that an amended TIS be submitted and approved prior to the submission of any future requests for a final UDO.

Metro Traffic Engineer’s Findings - Approved the TIS and recommends the following conditions:

Old Hickory Blvd/ Nolensville Road Intersection:

For the intersection of Old Hickory Blvd., the TIS suggested that only a grade separation design mitigation will improve this intersection to the level of service D.

Existing PM peak hour LOS is E, with an intersection delay of 58 seconds, background traffic conditions result in AM peak hour LOS E and PM peak hour is LOS F, with an intersection delay of 95 seconds. With the addition of total project build out the LOS remains at LOS E and LOS F, with the average delay increasing to 122 seconds. There are no recommended mitigations for this intersection.

Barnes Road / Nolensville Road Intersection:

At the intersection of Barnes/Celebration Way and Nolensville Road, a signalized intersection, the existing LOS is acceptable. With background traffic, the LOS remains acceptable. With the addition of the total project build out, this intersection will operate at LOS F in the am and pm peak hours. A review of the Nolensville ROW information Indicates that there is approximately 70 ft of Right of way on Nolensville at this location.

The developer shall install the following mitigations.

1. Modify existing signal
2. Install a 12 ft wide north bound lane for a minimum distance of 400 ft in advance of Barnes Rd and 250 ft past intersection with transition per AASHTO standards.
3. Install a 12 ft wide south bound through lane for a minimum distance of 600 ft in advance of Celebration Way and 250 ft past intersection with transition per AASHTO standards. Construction plans shall be submitted to locate optimum beginning and ending of this road widening.

Holt Road / Nolensville Road Intersection:

This is a stop controlled intersection with Holt stopping for Nolensville Road. The Eastbound turn lanes operate at LOS F with a 69 second average delay. Under background traffic conditions the delay increases to 234 sec/veh. With the project, the delay increases to 6979. With the installation of a NB left turn lane and signalization, the LOS is F, with delay of 104 sec/veh.

1. Install NB left turn lane on Nolensville Rd with 75 ft storage and transition per AASHTO standards.
2. Install signal with optimum signal timing. Submit signal plan to Metro engineer for approval.

Along Lenox Village property frontage on Nolensville Road:

1. Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
2. Reserve 1/2 ROW for Nolensville Road U6 classification. (1/2 Of 132 ft)

Lord's Chapel Way, northernmost access point (access #1):

The northernmost access point (access 1) to Lenox Village has already been constructed.

1. The pavement shall be striped to provide WB left turn lane and WB right turn lane.
2. No on-street parking shall be allowed for 300 feet from intersection on the north side of access 1 in order to allow adequate storage.
3. Install 12-foot wide southbound (SB) left turn lane on Nolensville Rd with 75 feet of storage length.

Bradford Hills / Lenox Village Drive and Nolensville Road intersection (access #2):

The Bradford Hills / Lenox Village Drive and Nolensville Road intersection is currently signalized.

1. Re-stripe WB Lenox Village Dr for left/thru lane and a WB right lane.
2. Install NB right turn lane.
3. Install 150 ft SB left turn lane in 2-way left turn lane.
4. Provide no parking on north side of access road for 200 ft from intersection

Project access #3, private drive for Commercial :

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #3
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane

Project access #4:

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #4 road
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane
4. No on street parking shall be provided for 75 ft from intersection
5. Provide adequate sight distance

Project access #5:

1. Install separate 11 ft wide WB left turn and right turn lanes and 11 ft wide entering lane for access #5 road
2. Install 12 ft wide SB left turn on Nolensville RD with 75 ft of storage length in 2-way left turn lane
3. Install NB right turn lane

4. Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities. Access 5 shall be located opposite school drive
5. Provide adequate sight distance

Recommendation - Staff recommends approval subject to the conditions recommended by Public works arising out of the Traffic Impact Study.

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

Resolution No. 2004 –128

“BE IT RESOLVED by the Metropolitan Planning Commission that UDO 2001UD-001G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

Old Hickory Blvd/ Nolensville Road Intersection:

For the intersection of Old Hickory Blvd., the TIS suggested that only a grade separation design mitigation will improve this intersection to the level of service D.

Existing PM peak hour LOS is E, with an intersection delay of 58 seconds, background traffic conditions result in AM peak hour LOS E and PM peak hour is LOS F, with an intersection delay of 95 seconds. With the addition of total project build out the LOS remains at LOS E and LOS F, with the average delay increasing to 122 seconds. There are no recommended mitigations for this intersection.

Barnes Road / Nolensville Road Intersection:

At the intersection of Barnes/Celebration Way and Nolensville Road, a signalized intersection, the existing LOS is acceptable. With background traffic, the LOS remains acceptable. With the addition of the total project build out, this intersection will operate at LOS F in the am and pm peak hours. A review of the Nolensville ROW information Indicates that there is approximately 70 ft of Right of way on Nolensville at this location.

The developer shall install the following mitigations.

1. Modify existing signal
2. Install a 12 ft wide north bound lane for a minimum distance of 400 ft in advance of Barnes Rd and 250 ft past intersection with transition per AASHTO standards.
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1. Install NB left turn lane on Nolensville Rd with 75 ft storage and transition per AASHTO standards.
2. Install signal with optimum signal timing. Submit signal plan to Metro engineer for approval.

Along Lenox Village property frontage on Nolensville Road:

1. Install 2-way left turn lane from Lord's Chapel to access #5 with transition per AASHTO standards.
2. Reserve 1/2 ROW for Nolensville Road U6 classification. (1/2 Of 132 ft)

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The northernmost access point (access 1) to Lenox Village has already been constructed.

1. The pavement shall be striped to provide WB left turn lane and WB right turn lane.
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3. Install NB right turn lane
4. Install signal when warranted. Traffic counts and warrant analysis shall be conducted annually and submitted to Metro traffic Engineer for signal approval. Signal plan shall include pedestrian signal and associated ADA standard facilities. Access 5 shall be located opposite school drive
5. Provide adequate sight distance”

XIII. MANDATORY REFERRALS

16. **2004M-023U-09**
Pirhana's Bar/awning encroachment
Map 93-62, Parcel 49
Subarea 9 (1997)
District 6 (Jameson)

A request for an aerial encroachment in the public right of way at 113 2nd Avenue, North, for awnings over an existing sidewalk requested by Piranha Bar and Grill, applicant.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for an aerial encroachment in the public right of way at 113 2nd Avenue North for awnings over an existing sidewalk requested by Piranha Bar and Grill, applicant.

This request is for a total of four awnings protruding no farther than 3 feet from the existing face of the building.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and taken no exception: Metro Water Services, Parks and Recreation, Emergency Communications Center, and NES.

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

Resolution No. 2004 –129

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-023U-09 is **APPROVED. (8-0)**”

17. **2004M-024U-09**
James Robertson Apartments/awning encroachment
Map 93-63, Parcel 25
Subarea 9 (1997)
District 19 (Wallace)

A request for an aerial encroachment in the public right of way at 166 7th Avenue North for awnings over an existing sidewalk requested by James Robertson Apartments, applicant.

The Metropolitan Planning Commission DEFERRED Zone Change 2004M-024U-09 indefinitely. 8-0)

18. **2004M-027U-08**
Alley closure, 20th Ave. N. and Clifton Ave.
Map 92-11, Parcels 45, 48 & 51
Subarea 8 (2002)
District 21 (Whitmore)

A request to abandon the southern 200 feet of alley # 627, north of Clifton Ave. N., 200 feet west of 20th Avenue, North, between Clifton and alley # 623, by Applied Orthotic Systems, applicant.

Staff Recommendation - Disapprove

APPLICANT REQUEST - A request to abandon the southern 200 feet of alley # 627, north of Clifton Ave. N., 200 feet west of 20th Avenue N. between Clifton and alley # 623, by Applied Orthotic Systems, applicant.

Applicant owns two of the three properties affected by the proposed closure. Those two properties front Clifton Avenue. The third party, Spruce Street Baptist Church, has frontage on 20th Avenue North and has no objection.

Staff recommends disapproval since the existing alley provides better access and connectivity to all of the lots served by this alley system, and because this area falls within the Subarea 8 Plan's Mixed Housing in Neighborhood Urban Policy. Should these properties redevelop in the future, the existing alley system will allow for fewer curb cuts along Clifton and 20th Avenue North.

DEPARTMENT AND AGENCY COMMENTS - Public Works, at the request of the Planning Department, recommends disapproval since this property falls within the UZO where maintaining alley access is important to implement the UZO. They also recommend disapproval because closing a portion of this alley will impact the overall alley network for the area.

RECOMMENDATION - The following departments or agencies have reviewed this request and taken no exception: Metro Parks and Recreation, Emergency Communications Center, Water Services, and NES.

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

Mr. Mclean moved, and Mr. Ponder seconded the motion, to disapprove Mandatory Referral no. 2004M-027U-08. (7-0)

Resolution No. 2004 –130

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-027U-08 is **DISAPPROVED. (7-0)”**

19. **2004M-028U-09**
Property acquisition for Hume Fogg Magnet School
Map 93-063, Parcel 13
Subarea 9 (1997)
District 21 (Whitmore)

A request by Metro Government for acquisition of property by negotiation or condemnation at 130 8th Avenue, North, 275 feet north of Broadway, relating to the expansion of Hume Fogg Magnet School, by Metro Real Property Services, applicant.

Staff Recommendation - Approve

APPLICANT REQUEST - A request by Metro Government for acquisition of property by negotiation or condemnation at 130 8th Avenue North, 275 feet north of Broadway, relating to the expansion of Hume Fogg Magnet School, by Metro Real Property Services, applicant.

COMMENTS - No responding departments or agencies take exception. NES wishes to advise Metro they have existing underground facilities within the alley between Hume Fogg and the subject acquisition property.

RECOMMENDATION - The following departments or agencies have reviewed this request taken no exception: Metro Parks and Recreation, Water Services, Emergency Communications Center, and NES.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –131

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-028U-09 is **APPROVED. (8-0)**”

20. **2004M-029G-12**
Nolensville Pike Trunk Sewer
Map 33 (Williamson County), Parcels 67 & 68

A request for a sewer easement acquisition for Metro Water Services Project No. 98-SG-13, located on the west margin of Nolensville Pike, north of the intersection of Burkitt Road, requested by the Metropolitan Department of Water and Sewerage Services.

Staff Recommendation - Approve

APPLICANT REQUEST - A request for a sewer easement acquisition for Metro Water Services Project No. 98-SG-13, located on the west margin of Nolensville Pike, north of the intersection of Burkitt Road, requested by the Metropolitan Department of Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - The following departments or agencies have reviewed this request and taken no exception: Emergency Communication Center, Nashville Electric Service, and Metro Water Services. Planning staff also supports the request.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –132

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-029G-12 is **APPROVED. (8-0)**”

21. **2004M-031U-05**
Gallatin Pike Sewer Line and Easement Abandonment
Map 72-2, Parcel 147.01
Subarea 5 (1994)
District 8 (Hart)

A request for sewer line and easement abandonment located at 3500 Gallatin Pike, at the northeast corner of Gallatin Pike and Greenfield Avenue (1.40 acres), Metro Water Services Project No. 03-SG-193, requested by Metro Water and Sewerage Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request for sewer line and easement abandonment located at 3500 Gallatin Pike, at the northeast corner of Gallatin Pike and Greenfield Avenue (1.40 acres), Metro Water Services Project No. 03-SG-193, requested by Metro Water and Sewerage Services.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS - The following departments or agencies have reviewed this request and taken no exception: Emergency Communication Center, Nashville Electric Service, and Metro Water Services and Real Property Services. Planning staff also supports the request.

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

Resolution No. 2004 –133

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-031U-05 is **APPROVED. (8-0)**”

XIV. OTHER BUSINESS

22. Recommended 2004-05 to 2009-2010 Capital Improvements Budget – deferred to April 22, 2004
23. Executive Director Reports
24. Legislative Update

XV. ADJOURNMENT

The meeting was adjourned at 6:55 p.m.



Chairman

Secretary