



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

August 14, 2003

PLANNING COMMISSION

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
Victor Tyler
James McLean
Councilman John Summers
Joe Sweat, 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
Adrian Bond, Planner II
Kathryn Fuller, Planner II
Bob Leeman, Planner III
Preston Mitchell, Planner II
Abby Scott, Planner I
Chris Wooton, Planning Technician I
Marty Sewell, Planner II
Bob Eadler, Planner II

Commission Members Absent

Councilman John Summers

I. CALL TO ORDER

Mr. Lawson called the meeting to order at 4:07

II. ADOPTION OF AGENDA

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to adopt the agenda. **(9-0)**

III. APPROVAL OF JULY 24, 2003 MINUTES

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to approve the minutes of July 24, 2003. **(9-0)**

IV. RECOGNITION OF COUNCILMEMBERS

No Metro Councilmembers sought recognition to speak to the Commission.

V. OTHER BUSINESS

a. A request to amend the Bellevue Community Plan: 2003 Update, the Major Street Plan, and the Collector Street Plan.

Staff Recommendation - Approve

REQUEST - Amend the Bellevue Community Plan: 2003 Update.

Background - The Planning Commission adopted the Bellevue Community Plan: 2003 Update on February 13, 2003. At that time, the Commission directed staff to attend to a number of follow-up items as well as other follow-up items identified by staff and Bellevue community representatives. These items were:

- Land use policy in the Old Harding Pike/Highway 100 Triangle Area
- The potential need for additional small office opportunity, particularly along Highway 70S east of Old Hickory Boulevard and Old Hickory Boulevard north of Highway 70S
- Major and Collector Street Plan Update
- Possible opportunities for traditional neighborhood development and conservation subdivisions

Planning Process - Staff developed a work program for accomplishing the follow-up items and began meeting with Bellevue citizens in June. Six meetings were held to discuss the follow-up items, with one meeting for each topic plus a kick-off and a wrap-up meeting. Attendance at the meetings was good, with from twenty to forty people at each meeting.

With reference to the land use policy in the Old Harding Pike/Highway 100 Triangle area, the vast majority of participants decided they were in favor of limited commercial expansion on the southwest side of the commercial node, with a treeline forming the boundary between the commercial area and an office transition area between it and the residential neighborhood to the west. Staff also believes there is justification for some additional commercial opportunity at this location to serve Bellevue's primary growth area. Staff and participants also decided to eliminate the Detailed Neighborhood Design Plan for the area, since it will be of more limited utility with the change and because participants also decided they were opposed to some of its provisions, particularly attached housing.

With reference to the possible need for additional opportunities for small office parks in Bellevue, participants and staff decided there was already ample opportunity provided throughout Bellevue for small office park development. Further, several participants were concerned about the precedents that might be set by opening up portions of the Highway 70S and Old Hickory Boulevard corridors to office development.

With reference to the Major and Collector Street Plans, participants largely accepted the draft prepared by staff, but had one additional suggestion, which was to extend Temple Road (a collector) from Highway 100 to Old Harding Pike in order to provide more convenient access to the heart of Bellevue from Williamson County. Staff agreed with this suggestion and added it to the street plan. An additional recommendation was made by a Bellevue citizen who called in response to the public hearing notice. The citizen recommended that instead of Poplar Creek Road being reclassified from a collector to a rural two-lane arterial, South Harpeth Road should instead be so reclassified. Both these roads provide access to Cheatham County. After further analysis, staff decided that South Harpeth Road should be classified as a rural two-lane arterial and Poplar Creek Road should be classified as a collector. The reasons for this have to do with the spacing of north-south arterials in the area, the degree to which each of the roads serves property access, and the directness of the connection to Cheatham County.

With reference to traditional neighborhood development and conservation subdivision opportunities, participants decided that they did not wish to pursue these opportunities at this time. They prefer to wait until the implementing regulations have been developed. Moreover, they did not wish to predetermine locations for these types of development but rather preferred that they be decided on a case-by-case basis.

Amendments - The proposed amendments are provided on the following pages. Briefly, the plan amendments:

- Make a land use policy change on the west side of the Highway 100/Old Harding Pike Triangle area to allow more limited commercial and office development. The location in question is on the south side of Highway 100 between the Kroger Center and the Pasquo Park subdivision.
- Reclassify South Harpeth Road from a Collector to a Rural 2-lane Arterial road in the Major Street Plan.
- Identify several new collector streets and street segments in the Bellevue area to be built as development occurs.

Ms. Wood stated that staff recommends approval.

Ms. Brenda Stein, 832 Stirrup Drive, President of a Neighborhood Association in the area, stated that the neighborhood is in favor of the proposed plan, and thanked the staff for their work.

Ms. Karen Hieronymus stated she is in favor of the proposed development. She commended the staff for a job well-done.

Mr. John Rumble, 712 Burleigh Court, thanked the staff for their work and stated that he is in support of the proposed amendment, but did express a concern regarding the Street Plan for the area.

Mr. William Rawdon stated that he was not in favor of the proposed subarea plan. He stated that the community was unaware of the proposed development.

Mr. Johnny Keeton, 5036 Chaffin Drive, stated that the community is not aware of the proposed plan and that he does not support the plan.

Mr. Richard Johns, 109 Holiday Court, thanked the staff for their work and stated that he was in favor of the proposed Community Plan.

Ms. Tonya Jones also thanked the staff for their work. Ms. Jones stated that she attended many meetings and that she is in favor of the proposed rezoning.

Mr. Doug Small stated that proposed development was going to improve the Bellevue area and he also thanked the staff for their work.

Mr. Jim Lawson commended the staff for their work on this project and expressed that he too, was in favor of the plan.

Ms. Jones moved, and Ms. Nielson seconded the motion, which unanimously passed to approve the proposed amendment to the Bellevue Community Plan, 2003. **(9-0)**

Resolution No. 2003-291

“BE IT RESOLVED by the Metropolitan Planning Commission that the Bellevue Community Plan: 2003 Update is **APPROVED. (9-0)**”

- b. Employee Contracts for Lee Jones, Nick Lindeman, Jennifer Higgs, John Houghton, Jeanne Stevens, and Jennifer Regen.

Approved (9-0), Consent Agenda

c. Executive Director Reports

d. Legislative Update

VI. PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED AND WITHDRAWN ITEMS

- 1. 2003Z-063U-11 OR20 to MUL, 1204 3rd Avenue South – Withdrawn
- 4. 2003Z-102U-10 RM40 to OR20, 1502 18th Avenue South – Deferred Indefinitely

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. (9-0)

VII. PUBLIC HEARING: CONSENT AGENDA

OTHER BUSINESS

- b. Employee Contracts for Lee Jones, Nick Lindeman, Jennifer Higgs, John Houghton, Jeanne Stevens, and Jennifer Regen - Approve

PRELIMINARY SUBDIVISION PLATS

- 6. 2003S-201G-06 Westbrooke Pointe, N. of Hwy. 70 -- Approve with conditions, but deleting condition #1
- 7. 2003S-204U-10 Woodmont Close, W. of Woodmont Blvd. -- Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions and amendments)

- 9. 192-69-G-12 Hickory Plaza Kroger Store -- Approve with conditions
- 10. 84-85-P-06 Biltmore PUD -- Approve with conditions including a clarification to condition #4 that plan needs to include sidewalks on both the north and south side of Newsom Station Road
- 11. 102-85-P-06 Riverside, Phase 6 -- Approve with conditions
- 12. 88P-068G-13 Nashboro Square (Arby's) -- Approve with conditions
- 13. 2003P-004U-07 Patina -- Approve with conditions

MANDATORY REFERRALS

- 14. 2003M-087U-10 Acceptance by Metro of the Roundabout Sculpture -- Approve
- 15. 2003M-088U-11 License Agreement for an electric line across RR -- Approve
- 16. 2003M-089G-14 License Agreement for Wal-Mart Recycling Bins -- Approve
- 17. 2003M-095U-09 B.B. King's Blues Club Sign Encroachment -- Approve with conditions

Ms. Nielson moved, and Ms. Cummings seconded the motion, which passed unanimously, to approve the consent agenda. (9-0)

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

- 1. **2003Z-063U-11**
Council Bill No. BL2003-1435
Map 105-03, Parcel 332
Subarea 11 (1999)
District 19 (Wallace)

A council bill to change from OR20 district to MUL district property at 1204 3rd Avenue South, approximately 100 feet south of Chestnut Street, (0.15 acres), requested by Sam J. Lewis, owner.

Zone Change Proposal No. 2003Z-063U-11, was WITHDRAWN by request of the applicant.

- 2. **2003Z-083G-08**
(Bill No. 20003-1436)
Map 70-16, Parcel 18
Subarea 8 (2002)

District 20 (Haddox)

A request to change from IWD to MUL district property at 220 French Landing Drive, approximately 400 feet west of Great Circle Road, (2.00 acres) requested by Bob Nash, agent for Bob and Michael Real Estate Partnership.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 2.0 acres from industrial warehousing/distribution (IWD) to mixed use limited (MUL) district property, at 220 French Landing Drive.

Existing Zoning

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

Proposed Zoning

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

ZONE CHANGE DETAILS- The Planning Commission disapproved a request to rezone from IWD to MUG on June 26, 2003, and recommended the request be re-referred to the Planning Commission by the Metro Council. The ordinance was re-referred to the Commission on August 5, 2003, for consideration of a zone change to MUL district.

Staff's original recommendation was disapproval of a zone change to MUG but approval of a zone change to MUL district.

SUBAREA 8 PLAN POLICY

(NU) Neighborhood Urban - NU is intended to apply to existing areas with a diverse mix of residential and nonresidential uses that are envisioned to remain as such, and for emerging and future areas where a similar mix of development is planned. NU areas include single- and multi-family residential and civic and public benefit activities.

Policy Conflict - The NU policy allows the MUL district with an associated PUD and arterial street frontage. This parcel is already developed and this request would allow additional uses with an expansion to the existing building.

Standard Policy 2, RE: Nonconforming Development, Chapter Three, Subarea Eight Plan Policy allows for the consideration of proposals in which "(1) the currently applicable land use regulations allow development that is not in conformance with the 'structure plan' and (2) the proposed change would apply regulations that would move toward conformance with respect to both the types and intensity of development intended in that 'structure plan area' based on the provisions in Table 12." (Table 12 outlines the appropriate uses in this area).

This proposal is to change from a non-conforming zoning district in terms of policy to a zoning district that is closer to the type and intensity of development listed in the subarea plan.

Concern has been expressed to staff by landowners and tenants in the area that a "methadone clinic" would be permitted under the proposed rezoning. Such a clinic is defined as a "non-residential drug treatment facility," which is permitted under the current IWD zoning, but would not be permitted under the proposed MUL zoning.

RECENT REZONINGS Yes. On May 5, 1999, the Planning Commission recommended approval of a zone change (99Z-070U) request for parcel 10, Great Circle Road. On August 11, 1999, the Metro Council approved a rezoning of this property located to the north from IWD to MUG. This request was consistent with the subarea plan at that time.

TRAFFIC - Based on typical uses in MUL district approximately 22 to 576 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996) Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings - Approve

SCHOOLS

Students Generated 9 **Elementary** 6 **Middle** 5 **High**

For MUL district

Schools Over/Under Capacity - Students will attend Andrew Jackson Elementary School, Dupont-Hadley Middle School, and McGavock High School. Dupont-Hadley Middle School has been identified as being overcrowded by the Metro School Board.

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. This information is based upon 2002-03 data from the school board.

Mr. Kleinfelter stated staff is recommending approval.

Ms. Teresa Elder-Smith, Vice Chair for Metro Center Advisory Group, asked that the Commission defer this item until the detailed plan for Metro is adopted and approved.

Mr. Bernhardt explained that the Planning Commission should make a recommendation to the Metro Council on how they should proceed with this item, as it is up for 3rd reading at the August 19th Council Meeting.

Ms. Elizabeth Hahnfeldt stated that she is not in favor of the proposed development due to the fact it will generate an unsafe work environment for her employees.

Mr. Patrick Franzone, 2025 Metro Center, GM of the Maxwell Hotel, stated that he is not in favor of this proposed zone change.

Mr. Michael Cartwright stated that he was in favor of this proposed zone change.

Mr. John York, 319 South 4th Street, stated that he was in support of the proposed zone change and felt that the proposed Center would be secured and does not propose any unsafe situations for those surrounding this area.

Mr. Richard Clark, 220 Venture Circle, CEO of the Foundations Center, stated that he was in favor of the proposed zone change.

Mr. Clarence Jordan, 903 12th Street, spoke in favor of the proposed zone change due to the fact that it will provide assistance to the mentally ill, as well as those who have a substance abuse.

Mr. Stewart Clifton disclosed that he is affiliated with similar agencies. Mr. Clifton stated that this is a land use issue and that they should stay focused on this fact. He stated that this proposed change would be closer to the General Plan if passed.

Mr. Joe Sweat expressed his concern regarding the use of the facility.

Mr. Vic Tyler questioned the Community Plan.

Mr. Bob Eadler explained the Community Plan for the area to the Commission members.

Ms. Cummings expressed concerns about the MUL in the middle of a commercial area, and would not support this because of the location of the MUL. Ms. Cummings would recommend it go back to Council to look at the situation and clarify the issues that are associated with it and then re-refer it.

Mr. Jim McLean commented that there were four other facilities in the area that are similar to the proposed facility.

Ms. Ann Nielson stated that the land use policy should remain as everyone's main focus.

Mr. Doug Small expressed concerns regarding the decision and the Community Plan that is proposed for this area.

Ms. Tonya Jones expressed concerns regarding the decision.

Mr. Jim Lawson stated that the Commission should make a good indication of what they are recommending and not to defer the item.

Mr. Stewart Clifton stated that he feels that the Commission should go with the staff recommendation and approve the proposed change.

Mr. Small commented that he is removing from his consideration the purpose of this proposed MUL and is concentrating on the land use only.

Mr. Stewart Clifton moved, and Mr. Doug Small seconded the motion, to approve the staff recommendation to change from IWD to MUL district property at 220 French Landing Drive. Approved **(8-1)** – Ms. Cummings voted no.

Resolution No. 2003-292

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-083G-08 is **APPROVED. (8-1)** Ms. Cummings voted no.

The proposed MUL district moves the zoning closer to conformance with the Subarea 8 Plan’s structure plan calling for Neighborhood Urban (NU) policy. The NU policy calls for existing areas with a diverse mix of residential and nonresidential uses that are envisioned to remain as such, and for emerging and future areas where a similar mix of development is planned. The NU policy typically allows the MUL district with an associated PUD and arterial street frontage, but because the MUL is moving closer to conformance this is an appropriate change at this time. This parcel is already developed and this request would allow additional uses with an expansion to the existing building.”

Mr. Lawson announced that the Commission would take a ten-minute break 5:30.

The Commission meeting resumed at 5:40.

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously, to place Item #8, 2003S-184U-07 back on the consent agenda. **(8-0)**

Ms. Cummings left the meeting at 5:30 p.m.

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- 3. 2003Z-098U-05**
Map 93-03, Parcel 132
Subarea 5 (1994)
District 6 (Beehan)

A request to change from RM20 district to OL district property at South 5th Street (unnumbered) and Shelby Avenue, (1.01 acres), requested by Larry J. Burge, owner.

Staff Recommendation *Disapprove as contrary to the General Plan.*

APPLICANT REQUEST - Rezone 1.01 acres from multi-family residential (RM20) to office limited (OL) district at the intersection of Shelby Avenue and S. 5th Street.

Existing Zoning

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Proposed Zoning

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

SUBAREA 5 PLAN POLICY

Residential Medium-High District (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, but the most common types include attached townhomes and walk-up apartments.

Policy Conflict - Yes. OL is not consistent with the Subarea 5 plan’s RMH policy. The Subarea 5 plan states that “The intent within this area is to conserve the existing housing, except for any units that may be removed through the reduction of densities, which is recommended, as feasible, for the public housing complexes.” (Area 6c, p.86). This site is surrounded by multi-family and the Subarea Plan calls for continuation of these types of uses.

RECENT REZONINGS Yes, this property was rezoned from RM8 to RM20 in 1998 with the overall zoning update for the county. RM20 was the equivalent district.

TRAFFIC - Based on trip generation numbers for OL districts, this proposal will generate 484 trips (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

This property fronts S.5th Street and Shelby Avenue, but due to a grade difference, the only existing access point would be from S.4th Street through an alley.

Traffic Engineer’s Findings - A TIS was initially recommended by Public Works, however, this recommendation was reconsidered. Therefore, Public Works’ recommendation is:

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

Ms. Bond stated that staff recommends disapproval of this proposed zone change because it is contrary to the General Plan.

Larry Burge, owner of the property, stated that he is in favor of developing this piece of land

Mr. John York stated he is in favor of the proposed change, but would like to see a curb cut placed on the 5th street side of the property.

Ms. Ann Nielson expressed concerns regarding the proposed development being in opposition to the General Plan.

Mr. Doug Small moved, Ms. Nielson seconded the motion, which passed unanimously, to disapprove 2003Z-098U-05 proposed zone change. **(8-0)**

Resolution No. 2003-293

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change Proposal No. 2003Z-098U-05 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (8-0)**

The OL district is not consistent with the Subarea 5 Plan’s Residential Medium High (RMH) policy calling for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. The Subarea 5 plan calls for continuation of residential uses.”

4. **2003Z-102U-10**
Map 104-08, Parcel 254
Subarea 10 (1994)
District 19 (Wallace)

A request to change from RM40 district to OR20 district property at 1502 18th Avenue South, approximately 100 feet north of Capers Avenue, (0.29 acres), requested by Everett Lowe, appellant/owner.

The Metro Planning Commission deferred indefinitely Zone Change 2003Z-102U-10 at the request of the applicant. (9-0)

.IX. PRELIMINARY SUBDIVISION PLATS

5. **2003S-173G-03**
Fontanel
Map 49, Parcels p/o 140, 200.01 and 319
Subarea 3 (1998)
District 1 (Gilmore)

A request for preliminary plat approval for 14 lots abutting the east margin of Whites Creek Pike, approximately 1,100 feet north of Lloyd Road, (37.81 acres), classified within the R15 and RS20 districts, requested by Fontanel Properties, LLC, owner, Advantage Land, surveyor. (Deferred from meeting of July 24, 2003).

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

Mr. Tom Nebel, representing the owners of Fontanel, spoke in favor of the proposed change but had concerns regarding the conditions placed on the project.

Mr. Ambrose-Clay, president of the homeowners association, expressed concerns regarding the proposed changes. He asked that the matter be deferred until the issues can be resolved.

Steve Henry, 5377 East Creek Road, expressed concerns regarding the sidewalk issues associated with this project. He asked that the Commission go along with the staff recommendation.

Mr. Jim Lawson questioned the ownership of the property and the discrepancies associated with it.

Mr. Kleinfelter stated that staff had no knowledge of the ownership issues prior to today.

Mr. Kleinfelter presented three slides of the area in question at this time.

Mr. Sweat expressed concerns regarding the open space conservation easement.

Mr. Sweat expressed a concern regarding the responsibility of maintaining the proposed development.

Mr. Clifton expressed concerns regarding the proposed asphalt strips in place of the sidewalks.

Ms. Nielson expressed concerns of the precedence that would be set with the asphalt strips in place of the sidewalks.

A discussion ensued among Commission members and staff members regarding this proposed change. Items discussed were greenways, floodplains and responsibility of maintaining the property.

Mr. McLean expressed concerns regarding the sidewalk issue and the proposed changes.

Mr. Lawson expressed concerns regarding approving this item that contain contingencies.

Mr. Sweat moved, and Ms Nielson seconded the motion, which passed unanimously, to defer 2003S-173G-03 to the September 11th meeting and requested that a Greenways Commission (Parks) representative be present at the meeting. (8-0)

- 6. 2003S-201G-06**
Westbrooke Pointe
Map 126, Parcel 28
Subarea 6 (2003)
District 23 (Bogen)

A request for preliminary plat approval for 78 lots abutting the north margin of Highway 70, approximately 1,350 feet east of Old Charlotte Pike, (31.6 acres), classified within the RS15 district, requested by AGH Partners, owner, Civil Site Design Group, PLLC, surveyor.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat – Subdivide 31.6 acres into a 78 lot cluster subdivision, located on Highway 70, abutting Newsom Creek

ZONING

RS15 District - RS15 district allows single-family lots and requires a minimum lot size of 15,000 square feet.

Cluster Lot Option - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 square foot lots) to RS7.5 (minimum 7,500 square foot lots). The proposed lots range from 7,525 square feet to 15,667 square feet.

The applicant is utilizing the cluster lot option because the site is partially constrained by Newsom Creek, a blue-line stream, and floodplain. The cluster lot option is also intended to preserve significant vegetation within the open space areas for each phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The applicant meets this requirement and has shown no phases.

SUBDIVISION DETAILS - The stream bed of Newsom Creek has been located in an Open Space Conservation Easement as was required as a condition of the Zoning Bill. There are 9.18 acres of the site encumbered by floodplain. The proposed plat proposes preserving 91% of the floodplain.

Two stub streets have been located on the north side of the property to allow for future development connections.

There are six “double-frontage” lots with the rear of the lots facing Highway 70. A Type “D” landscape buffer yard is required to screen the rear of the homes from the view of Highway 70.

TRAFFIC ENGINEER’S FINDINGS

1) Installation of northbound 12' left turn and 12' right turn lanes on McCrory lane with 100' storage length and transition per AASHTO standards. Comparison of existing conditions with only including the site traffic resulted in the same LOS E for the PM peak hour for existing and existing plus site traffic; however, vehicle queue increased 3 vehicles and time delay increased 10 seconds. Since the site traffic (when considered without other background traffic growth) does have impact, we are conditioning the installation of separate turn lanes.

2) At site access driveway and Hwy 70, install 11' left turn and 11' right turn lane exit lanes with 50' storage and AASHTO standard transition and 11' entering lane.

3) Install 12' eastbound left turn lane on HWY 70 at site access.

4) No road connection between the site and Old Charlotte will be allowed utilizing the existing ROW of Old Charlotte; lot layout was redesigned from previous submitted plan (at zoning stage) showing an access point at this location and addressed in previous zone change TIS. Current TIS does not distribute traffic at this location. If site plan changes then further analysis may be required.

CONDITIONS

1. Installation of northbound 12' left turn and 12' right turn lanes on McCrory lane with 100' storage length and transition per AASHTO standards.
2. At site access driveway and Hwy 70, install 11' left turn and 11' right turn lane exit lanes with 50' storage and AASHTO standard transition and 11' entering lane.
3. Install 12' eastbound left turn lane on HWY 70 at site access.
4. A revised plat including the floodplain acreage and the amount of the floodplain to be disturbed.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-294

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-201G-06 is **APPROVED WITH CONDITIONS, BUT WITH THE DELETION OF CONDITION #1. (9-0)**

Conditions of Approval:

1. ~~Installation of northbound 12' left turn and 12' right turn lanes on McCrory lane with 100' storage length and transition per AASHTO standards.~~
2. At site access driveway and Hwy 70, install 11' left turn and 11' right turn lane exit lanes with 50' storage and AASHTO standard transition and 11' entering lane.
3. Install 12' eastbound left turn lane on HWY 70 at site access.
4. A revised plat including the floodplain acreage and the amount of the floodplain to be disturbed.”

7. **2003S-204U-10**
Woodmont Close
Map 116-03, Parcels 32 and 33
Subarea 10 (1994)
District 34 (Williams)

A request for preliminary plat approval for three lots abutting the west margin of Woodmont Boulevard, approximately 1,400 feet south of Harding Road, (1.23 acres), classified within the R10 district, requested by Haury and Smith, owner/developer, Gresham, Smith & Partners, surveyor.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat – Subdivide 2 lots on 1.23 acres into a 3-lot subdivision, located on the west margin on Woodmont Boulevard, approximately 1,400 feet south of Harding Road. All lots are proposed for duplexes.

ZONING

R10 District - R10 district allows duplex and single-family lots and requires a minimum lot size of 10,000 square feet.

SUBDIVISION DETAILS

Lot Frontage 2-4.2 A. - Flag lots are generally not permitted by the Subdivision Regulations. In this case, the flag lots have been proposed to allow for a private drive to serve the three lots instead of a public street.

Topographic conditions would require more disturbance of the site to introduce a public street than is required to construct the joint drive. The subject property is bounded on three sides by multi-family and cluster in-fill developments, with no options to continue a public street in the future.

In this particular case, there is a value to Metro not to create a new public street from a maintenance perspective. The private drive will also have less of a visual impact on the surrounding properties than a standard local street with a full cul-de-sac at the terminus. The Homeowner's Association will be required to maintain the private driveway.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

STORMWATER DIVISION - A homeowner's association must be created to maintain any stormwater detention/water quality feature that may be required.

CONDITIONS

A final plat must be submitted for recording that shows the following:

1. A note indicating that the garage doors of the proposed units shall be oriented so that they are not directly viewed from Woodmont Boulevard.
2. A label on duplex lots.
3. The subdivision number.

Approved with Conditions (9-0), Consent Agenda

Resolution No. 2003-295

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision No. 2003S-204U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A note indicating that the garage doors of the proposed units shall be oriented so that they are not directly viewed from Woodmont Boulevard.
2. A label on duplex lots.
3. The subdivision number.

X. FINAL SUBDIVISION PLATS

8. **2003S-184U-07**
Grayken Subdivision
Map 129-01, Parcel 39
Subarea 7 (2000)
District 23 (Bogen)

A request for final plat approval to subdivide one lot into two lots, abutting the southern terminus of Wayside Court, approximately 620 feet south of Jocelyn Hollow Road (8.07 acres), classified within the RS40 district, requested by Kate R. W. Grayken, owner, and Ronnie D. Lowrey, surveyor.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary and Final Plat – Subdivide 8.07 acres into a two lot subdivision, located at the terminus of Wayside Court.

ZONING

RS40 District - RS40 district allows single-family lots and requires a minimum lot size of 40,000 square feet.

SUBDIVISION DETAILS

Lot Size 2-4.2 D. The Subdivision Regulations require that proposed lot area not exceed three times the

minimum lot size stipulated in the Zoning Regulations (40,000 sq. ft.). Exceptions may be made when the land proposed for division contains terrain otherwise unsuitable for development- in this case steep slopes. The proposed lots are located at the end of a cul-de-sac where additional lots would not be feasible. Additionally, the other lots on the street range from 1.2 acres to 2.68 acres. The proposed lots (5.1 and 2.9 acres) are larger than those on the street, but will be closer in size to the neighboring lots than the original 8 acre lot.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

CONDITIONS

A final plat shall be submitted for recording that shows the following:

1. A note that reads as follows: A public utility easement of twenty feet (20') adjacent to all street right-of-ways shall hereby be made a part of this recording. On corner lots where front yard building setbacks are less than twenty feet (20'), the easement depth shall be reduced accordingly.
2. A 20- foot Public Utility and Drainage Easement adjacent to the Wayside Court R.O.W. drawn across the front of the two lots.
3. A note that states that individual water and sanitary sewer service lines is required for each parcel.

Mr. McLean moved, and Ms. Nielson seconded the motion, which passed unanimously, to place Item #8, 2003S-184U-07 back on the consent agenda. **(9-0)**

Approved with Conditions (9-0), Consent Agenda

Resolution No. 2003-296

“BE IT RESOLVED by the Metropolitan Planning Commission that Final Subdivision No. 2003S-184U-07 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A note that reads as follows: A public utility easement of twenty feet (20') adjacent to all street right-of-ways shall hereby be made a part of this recording. On corner lots where front yard building setbacks are less than twenty feet (20'), the easement depth shall be reduced accordingly.
2. A 20- foot Public Utility and Drainage Easement adjacent to the Wayside Court R.O.W. drawn across the front of the two lots.
3. A note that states that individual water and sanitary sewer service lines is required for each parcel.”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

9. 192-69-G-12

Hickory Plaza Kroger Store
Map 161, Part of Parcel 163
Subarea 12 (1997)
District 30 (Kerstetter)

A request for a revision to the final plan for a portion of the Commercial Planned Unit Development District located abutting the northwest corner of Nolensville Pike and Old Hickory Boulevard, classified within the SCR district, (1.02 acres), to permit a fuel pumping station addition for the existing Kroger Store, requested by CEI Engineering Associates, for Kroger, L.P.I.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary & Final PUD - Request to revise the preliminary PUD plan and for final approval to permit a fuel pumping station at the existing Kroger store.

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

PLAN DETAILS - This request is to delete a condition requiring the relocation of the access to the existing Pizza Hut outparcel. The gas station will be part of the existing Kroger store and was approved by the Planning Commission on July 11, 2002, as a revision to the preliminary PUD plan. The plan includes four (4) pump islands, with no direct access to Old Hickory Boulevard, and a 100-square-foot kiosk. All access will be through existing private driveways on the Kroger site.

The plan approved in 2002 included the relocation of the Pizza Hut access as a condition. Staff was concerned about there being a conflict with the existing Pizza Hut access and the travel path of cars entering and exiting the fuel pumps. A condition was placed on the PUD approval for the proposed access to be relocated in the northeast corner of the Pizza Hut site to alleviate the conflict. Since then however, the owners of the Pizza Hut have not agreed to the relocation of their driveway.

Since the Traffic and Parking division of Public Works has approved the plan for the fuel pumps with the Pizza Hut driveway remaining at the existing location, staff recommends approval with the deletion of the condition requiring that driveway to be moved to the northeast corner of the site.

The plan complies with Zoning Ordinance requirements, including a minimum street frontage of 100 feet, gasoline pumps that are at least 20 feet from the nearest property line and 20 feet from Old Hickory Boulevard.

TRAFFIC/CONDITIONS

Traffic Engineer's Findings - "Traffic and Parking has approved the plan."

RECENT REVISIONS/APPROVALS - A revision to the preliminary and final PUD plan was last revised on July 11, 2002, to permit the fuel pump islands with conditions.

CONDITIONS

The Metropolitan Codes Department is also requiring several conditions to since the gas station at a retail facility is a relatively new concept in Nashville. This approval will be conditioned as follows, subject to a corrected plan to be received prior to the Planning Commission meeting:

1. 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.
2. 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.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
8. No customers shall be permitted in the kiosk.
9. 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.
10. A fire hydrant is required to be within 500 feet of all portions of the fuel station.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-297

"BE IT RESOLVED by the Metropolitan Planning Commission that Revision of the Final PUD no. 192-69-G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. 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.

2. 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.
3. The kiosk shall not exceed 100 square feet.
4. The employee working in the gas station shall be connected via intercom, or other acceptable means of communication, to the retail store.
5. The gas station shall be on the same or contiguous parcel of land as the main retail store.
6. The employee operating the gas station shall be an employee of the retail store.
7. Hours of operation of the gas station shall be the same or less than the hours of operation of the retail store.
8. No customers shall be permitted in the kiosk.
9. 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.
10. A fire hydrant is required to be within 500 feet of all portions of the fuel station."

- 10. 84-85-P-06**
 Biltmore PUD
 Map 140, Parcel 4
 Subarea 6 (2003)
 District 23 (Bogen)

A request to revise a portion of the preliminary Planned Unit Development and for final approval for a portion of the undeveloped Commercial Planned Unit Development located abutting the north margin of I-40, east of McCrory Lane, classified CL, (17.51 acres), to permit the realignment and construction of Newsom Station Road to conform with the approved preliminary plan, requested by Barge, Cauthen and Associates, for Branstetter Family Partners, owner. (Deferred from meeting of July 24, 2003).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary & Final PUD - Revise a portion of the preliminary and final PUD approval for a portion of the undeveloped Commercial PUD located abutting the north margin of I-40 east of McCrory Lane. This plan is to permit the realignment and construction of a portion of Newsom Station Road.

PLAN DETAILS - The proposed plan is intended to coordinate development and required improvements between the Biltmore PUD and Riverwalk PUD.

This realignment of Newsom Station Road eliminates a 90 degree curve in the current plan. This proposal will divide the property so that a commercial parcel will be located south of Newsom Station Road.

The Riverwalk PUD, located east of the Biltmore PUD, includes conditions for off-site improvements at the intersection at Newsom Station Road and McCrory Lane. These conditions include a traffic signal and dedicated right and left turn lanes on both Newsom Station Road and McCrory Lane. The Riverwalk PUD approval required these improvements to be completed at the 120th building permit of the build out.

In order for the conditions of the Riverwalk PUD to be met, the road improvements would have to be constructed in the near future at the current location of the Newsom Station Road and McCrory Lane intersection. The Biltmore PUD requires this intersection to be relocated to the north. Under this scenario the improvements would have to be made a second time. Approval of the proposed plan will allow these improvements to happen once and in the ultimate location of the intersection. Public Works has granted a time extension to June 2004, for the completion of the road improvements as long as they are properly bonded.

The proposed plan for realignment is consistent with the approved preliminary.

TRAFFIC ENGINEER'S FINDINGS - Submit a preliminary traffic signal design to insure that the sidewalks, traffic islands, signal poles locations and etc. can be coordinated on the final construction plans.

CONDITIONS

1. A bond is required for the realigned portion of Newsom Station Road and the improvements to McCrory Lane. The following improvements, a right turn lane from McCrory Lane onto Newsom Station Road, a right turn lane from Newsom Station Road onto McCrory Lane, and a left turn lane from Newsom Station Road onto McCrory Lane, are already bonded with the Riverwalk PUD. Bonding these improvements with the Biltmore PUD will allow a reduction in the Riverwalk PUD bond. The Riverwalk PUD will bond for the traffic signal when traffic counts warrant it.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. 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. Prior to final plat approval, a sidewalk must be included along the north side of Newsom Station Road on the final plat.
5. A preliminary signal plan must be submitted for review prior to final plat recordation.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-298

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 84-85-P-06 is **APPROVED WITH CONDITIONS**, INCLUDING A CLARIFICATION TO CONDITION # 4 THAT PLAN NEEDS TO INCLUDE SIDEWALKS ON BOTH THE NORTH AND SOUTH SIDE OF NEWSOM STATION ROAD. (9-0)

Conditions of Approval:

1. A bond is required for the realigned portion of Newsom Station Road and the improvements to McCrory Lane. The following improvements, a right turn lane from McCrory Lane onto Newsom Station Road, a right turn lane from Newsom Station Road onto McCrory Lane, and a left turn lane from Newsom Station Road onto McCrory Lane, are already bonded with the Riverwalk PUD. Bonding these improvements with the Biltmore PUD will allow a reduction in the Riverwalk PUD bond. The Riverwalk PUD will bond for the traffic signal when traffic counts warrant it.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. 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. Prior to final plat approval, a sidewalk must be included along the north side of Newsom Station Road on the final plat.
5. A preliminary signal plan must be submitted for review prior to final plat recordation.”

11. **102-85-P-06**
Riverside, Phase 6
Map 142-13-B, Part of Parcel 1
Subarea 6 (2003)
District 35 (Tygard)

A request for final approval for Phase Six of the Residential Planned Unit Development located abutting the south margin of New Morton Mill Road, north of Glenridge Drive, classified RS20, (3.238 acres), to permit the development of ten single-family lots, requested by Walter Davidson and Associates, for Rochford Construction Company, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - Request for final approval for Phase 6 of the Residential PUD to permit 10 single-family lots located along a cul-de-sac drive named Glenleigh Court, south of Northridge Drive.

PLAN DETAILS - This plan matches the preliminary plan, as revised, which was approved on December 17, 1991. The plan proposes sidewalks along both sides of Glenleigh Court, which will tie-in directly with sidewalks located along Northridge Drive. It should be noted that a gap in the lots located along the cul-de-sac allows for ingress and egress for an existing home that is centrally located within the PUD, around which the original PUD was designed.

TRAFFIC ENGINEER'S FINDINGS - Approve

CONDITIONS

1. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. 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.
5. 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 (9-0), Consent Agenda

Resolution No. 2003-299

BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 102-85-P-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. 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.
5. 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.

- 12. 88P-068G-13**
Nashboro Square (Arby's)
Map 135, Part of Parcel 253
Subarea 13 (2003)
District 28 (Alexander)

A request for final approval for a portion of the Commercial Planned Unit Development located abutting the corner of Murfreesboro Pike and Brooksboro Place, classified R10, (1.05 acres), to permit the development of a 3,200 square foot restaurant, approved for a up to 3,500 square foot restaurant, requested by Arby's Restaurant, for Robert Trent, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Final PUD - A request for final PUD approval for a portion of the Commercial PUD overlay to permit the development of a 3,200 square foot restaurant at the corner of Murfreesboro Pike and Brooksboro Place.

Existing Zoning

R10/Commercial PUD - This is a grandfathered PUD approved by the Metro Council in 1988, and revised on December 12, 2002, by the Planning Commission.

PLAN DETAILS - The approved preliminary plan, dated January 7, 2003, allows a maximum of 3,500 square feet of restaurant development or a maximum of 7,000 square feet of retail development for this lot. The proposed plan is consistent with the approved preliminary plan in terms of building layout, square footage, and access.

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. 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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. 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. 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. Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission. 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.
6. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.
7. Include a sidewalk to connect the public sidewalk along Brooksboro Place with the handicap striped path located between the handicap parking spaces.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-300

BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 88P-068G-13 is **APPROVED WITH CONDITIONS (9-0)**.

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. 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.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. 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.
5. 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.
6. Prior to the issuance of any building permits, a final plat shall be recorded including any necessary bonds for public improvements.
7. Include a sidewalk to connect the public sidewalk along Brooksboro Place with the handicap striped path located between the handicap parking spaces."

-
- 13. 2003P-004U-07**
Patina
Map 91-14, Parcels 200, 201 and 202
Subarea 7 (2000)
District 24 (Summers)

A request to revise the preliminary plan and for final approval of the Planned Unit Development located at 224, 226 and 228 Orlando Avenue, abutting the east margin of Orlando Avenue, classified RS3.75, (2.63 acres), to permit the development of 14 single-family lots to replace the approved 15 single-family lots, requested by Barge, Cauthen and Associates, for Shamrock Holdings, Inc., owners. (Deferred from meeting of July 24, 2003).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revised Preliminary & Final PUD - A request to revise the preliminary PUD and for final approval of the PUD located at 224, 226, and 228 Orlando Avenue.

Existing Zoning

RS3.75 district/Residential PUD - The preliminary PUD was approved by Council in January 2003 and includes 15 single-family units. RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

PLAN DETAILS - The applicant is requesting a revision to the preliminary plan and final approval to permit the development of 14 single-family lots, replacing the approved 15 single-family lots.

Richland Creek Floodway and Floodplain - The applicant is providing the required 50-foot floodway buffer from the edge of the floodway. In addition to the 50-foot buffer from the floodway, the applicant is also providing an additional 25-foot greenway easement to the edge of the new road. The greenway buffer will be narrower than 25 feet where it would otherwise come onto the roadway as approved on the preliminary PUD plan. The “Dedicated Conservation/Greenway Public Access Trail Easement Area” through the development shall be labeled as such on the final plat.

Existing Roadways and Sidewalks - The applicant is providing sidewalks along the existing Orlando Avenue through a pedestrian easement as was approved on the preliminary PUD plan. The applicant will not widen the pavement on Orlando Avenue. Currently, Orlando Avenue has a pavement width of 20 feet.

New Roadways and Sidewalks - New roads within this subdivision will be constructed to Public Works standards for a minor local road. The roads within this subdivision will be private and maintained by the homeowners association. Patina Circle should also be labeled as a private street. The applicant is providing a stub street to the adjacent property to the south for similar future development. These sidewalks end at the culvert on the west side of Patina Circle. Sidewalks also extend on both sides of Patina Circle and end on the west side at lot 5 and the east side extends to the property line of lot 12.

Public Works Recommendations

1. Sidewalk, as shown, is located on private property along Orlando Avenue frontage. Orlando Avenue needs 9 feet of ROW dedicated on each side to bring total ROW from 32 feet to desired 50 feet. Dedicating 9 feet of ROW on Patina side of ROW should place proposed sidewalk inside of ROW.
2. Sidewalk should extend to the edge of property, if public sidewalks are required to be included by Metro Planning.
3. During the review of the preliminary Patina PUD, additional ROW was requested, along with possible road widening of Orlando Ave. At that time, sidewalk was not shown on Orlando Avenue.
4. If the private street is to receive a name, then it must meet Public Works specifications. While street geometry make it unfeasible to build a Metro street, engineer should call out a pavement course similar to ST-251, and designate the proposed street as private. Delete the South and West parts of the street.
5. The detail dimensions do not comply with ST-263 alley specifications. Either use correct dimensions, or delete reference to ST-263 for this private alley.
6. Include stop sign, two street name signs, and a dead-end sign.
7. The Public Works recommendations included construction along Orlando Ave. to be per Public Works standards including curb and gutter, grass furnishing strip and a 5 feet public sidewalk within constructed per Public Works current standards (no construction plans have been submitted for review) even though they are proposed to be private streets and alleys.
8. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

CONDITIONS

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

3. The Homeowner's Association must maintain all private roads and sidewalks.
4. Final plat must show a 50-foot floodway buffer and an additional 25 feet for a greenway easement. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted to under 25 feet until the lot or roadway no longer intersect the buffer.
5. Staff is recommending conditional approval with a sidewalk variance for a portion of the sidewalk along Orlando Avenue due to a culvert near Richland Creek. Staff is also recommending conditional approval with a variance for the sidewalk along that portion of Patina Circle adjacent to Richland Creek due to nearby greenway access.
6. The proposed private street (Patina Circle) shall be designed and constructed as per the Council-approved preliminary PUD.
7. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

Approved with conditions (9-0), Consent Agenda

Resolution No. 2003-301

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2003P-004U-07 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
2. 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.
3. The Homeowner's Association must maintain all private roads and sidewalks.
4. Final plat must show a 50-foot floodway buffer and an additional 25 feet for a greenway easement. In areas where the 25 foot buffer intersects a lot or the roadway the 25 foot buffer will be adjusted to under 25 feet until the lot or roadway no longer intersect the buffer.
5. Staff is recommending conditional approval with a sidewalk variance for a portion of the sidewalk along Orlando Avenue due to a culvert near Richland Creek. Staff is also recommending conditional approval with a variance for the sidewalk along that portion of Patina Circle adjacent to Richland Creek due to nearby greenway access.
6. The proposed private street (Patina Circle) shall be designed and constructed as per the Council-approved preliminary PUD.
7. Prior to any work within the existing right-of-way, plans must be submitted to the Public Works Utilities Permitting Section for review and approval to obtain any required excavation and lane closure permits.

XII. MANDATORY REFERRALS

14. **2003M-087U-10**
Acceptance by Metro of the Roundabout Sculpture
Map 91-13, ROW
Subarea 10 (1994)
District 19 (Wallace)

An Ordinance authorizing the installation within the public right-of-way of a certain sculpture and accepting the donation of that sculpture upon completion of the installation, as requested by the Metro Department of Finance, Real Property Services.

Staff Recommendation - *Approve*

APPLICANT REQUEST

An Ordinance authorizing the installation within the public right-of-way of a certain sculpture and accepting the donation of that sculpture upon completion of the installation, as requested by the Metro Department of Finance, Real Property Services.

DEPARTMENT AND AGENCY COMMENTS

The Metropolitan Development & Housing Agency (MDHA) is proposing to permanently install a sculpture work of art in the center of the Music Row Roundabout right-of-way. Following complete installation, MDHA will donate the sculpture to Metro Government – which this bill authorizes that acceptance.

The design was previously approved by an ad hoc Art Design Review Committee and affirmed by the Metro Arts Commission.

Planning Department staff recommends that the Planning Commission approve the ordinance.

Approved (9-0), Consent Agenda

Resolution No. 2003-302

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-087U-10 is **APPROVED. (9-0)**”

-
- 15. 2003M-088U-11**
License Agreement for an electric line across RR
Map 94-09
Subarea 11 (1999)
District 15 (Loring)

An Ordinance authorizing the Mayor to enter into a license agreement with Nashville & Eastern Railroad Corporation to allow Metro Public Works to install an electric line across the railroad right-of-way and under the railroad tracks at Milepost .04, located on Map 94-09, and requested by the Metro Department of Law for the Department of Public Works.

Staff Recommendation – *Approve*

APPLICANT REQUEST

An Ordinance authorizing the Mayor to enter into a license agreement with Nashville & Eastern Railroad Corporation to allow Metro Public Works to install an electric line across the railroad right-of-way and under the railroad tracks at Milepost .04, located on Map 94-09, and requested by the Metro Department of Law for the Department of Public Works.

DEPARTMENT AND AGENCY COMMENTS

Planning Department staff supports the proposed ordinance and recommends approval to the Metro Planning Commission. This request was not distributed to other Metro agencies for review because it does not affect Metro property or easement interests.

Approved (9-0), Consent Agenda

Resolution No. 2003-303

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-088U-11 is **APPROVED. (9-0)**”

- 16. 2003M-089G-14**
License Agreement for Wal-Mart Recycling Bins
Map 75-14, Parcel 135
Subarea 14 (1996)
District 19 (Wallace)

An Ordinance to allow Public Works to place 14 recycling bins at a Wal-Mart located at 4101 Lebanon Pike, abutting the southeast corner of Lebanon Pike and Old Hickory Boulevard, as requested by the Metro Department of law for Public Works.

Staff Recommendation - *Approve*

APPLICANT REQUEST

An Ordinance to allow Metro Public Works to place 14 recycling bins at Wal-Mart #710, located at 4101 Lebanon Pike, abutting the southeast corner of Lebanon Pike and Old Hickory Boulevard, as requested by the Metro Department of law for Public Works.

DEPARTMENT AND AGENCY COMMENTS

Planning Department staff supports the proposed ordinance and recommends approval to the Metro Planning Commission. This request was not distributed to other Metro agencies for review because it does not affect Metro property or easement interests.

Approved (9-0), Consent Agenda

Resolution No. 2003-304

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-089G-14 is **APPROVED. (9-0)**”

- 17. 2003M-095U-09**
B.B. King's Blues Club Sign Encroachment
Map 93-06-2, Parcel 74
Subarea 9 (1997)
District 6 (Beehan)

A request to install a sign, measuring 7.75 feet tall by 4 feet wide, to project over the public sidewalk approximately 5 feet and a minimum of 10.5 feet above the sidewalk for the B.B. King's Blues Club, owned by the Beale Street Blues Company, to be located at 152 2nd Avenue North, and as requested by August Enterprises, Inc., representative and sign company.

Staff Recommendation - *Approve with Conditions*

APPLICANT REQUEST

A request to install a sign, measuring 7.75 feet tall by 4 feet wide, to project over the public sidewalk approximately 5 feet and a minimum of 10.5 feet above the sidewalk for the B.B. King's Blues Club, owned by the Beale Street Blues Company, to be located at 152 2nd Avenue North, and as requested by August Enterprises, Inc., representative and sign company.

APPLICATION REQUIREMENTS

License to Encroach Agreement - Yes – one was submitted.

Insurance Certificate - Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$2,000,000 for aggregate coverage, as required by Metro Legal.

Property Owner Sign Application - Yes

Tenant Sign Application - No

DEPARTMENT AND AGENCY COMMENTS

This item is recommended for approval by Metro Public Works. Planning staff supports the requested encroachment.

CONDITIONS

The sign company is acting on behalf of the restaurant for this application. In doing so, the sign company inadvertently submitted their own insurance certificate to go along with the license agreement. Since the restaurant owner has agreed to be the party indemnifying Metro Government instead of the property owner, the restaurant must submit a new license agreement which matches the coverage amounts originally provided by the sign company. This new certificate must be submitted prior to receiving approval of the Resolution by Metro Council.

Approved (9-0), Consent Agenda

Resolution No. 2003-305

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-095U-09 is **APPROVED WITH CONDITONS. (9-0)**

Conditions of Approval:

The sign company is acting on behalf of the restaurant for this application. In doing so, the sign company inadvertently submitted their own insurance certificate to go along with the license agreement. Since the restaurant owner has agreed to be the party indemnifying Metro Government instead of the property owner, the restaurant must submit a new license agreement which matches the coverage amounts originally provided by the sign company. This new certificate must be submitted prior to receiving approval of the Resolution by Metro Council.”

XIII. ADJOURNMENT

Their being no further business, upon motion made, seconded and passed, the meeting was adjourned at 6:30 p.m.

Chairman

Secretary

