

**MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION**

Date: August 22, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman
Councilmember John Summers
Victor Tyler

Absent:

Mayor Bill Purcell

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Robert Leeman, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Chris Wooton, Planning Technician 1

Others Present:

Jim Armstrong, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Mr. Clifton moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of July 25, 2002.

RECOGNITION OF COUNCILMEMBERS

Councilmember Feller Brown asked for a 2 meeting deferral on item 28. 2002S-229G-14, and expressed concerns regarding water runoff in that area.

Councilmember Vic Lineweaver spoke in favor of Zone Change item 24. 2002Z-088G-06.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

At the beginning of the meeting, staff listed the deferred items as follows:

27. 2002P-005U-10, Glen Echo Hall Deferred indefinitely.

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously passed, to close the public hearing and defer the items listed above.

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Ms. Nielson moved and Mr. McLean seconded the motion, which unanimously carried, to close the public hearing and approve the following items on the consent agenda:

ZONING MAP AMENDMENTS

7. 2002Z-079U-10
Council Bill No. BL2002-1153
Map 104-2, Parcel 225
Subarea 10 (1994)
District 21 (Whitmore)

A request to change from RM20 district to ORI district property at 310 31st Avenue North, approximately 200 feet north of Long Boulevard, (0.14 acres), requested by Michael Marchetti, appellant, for Ronald Anderson, owner.

Project No. Zone Change 2002Z-079U-10

Associated Case None

Council Bill None

Staff Recommendation *Disapprove. ORI district allows uses that are incompatible with residential uses across 31st Avenue, North. Staff would recommend approval of OG zoning, however, since it is a more appropriate zoning district near a residential area.*

APPLICANT REQUEST Rezone 0.14 acres from Residential Multi-Family (RM20) to Office/Residential Intensive (ORI)

Existing Zoning

RM20 zoning RM20 is intended for multi-family residential at 20 units per acre.

Proposed Zoning

ORI zoning ORI is intended for office and multi-family residential with limited retail.

SUBAREA 10 PLAN

Policy

Office Concentration (OC) OC policy is intended for large concentrations of office uses.

Policy Conflict None. Although the ORI district is consistent with the intent of the Subarea 10 Plan’s OC policy, ORI zoning allows uses such as bars and nightclubs. With this property being located across the street from and adjacent to residentially zoned property, this zoning classification is inappropriate for this location. Staff recommends OG zoning for this area of the Subarea 10 Plan’s OC policy area. OG zoning is intended for moderately high intensity office development. This property is situated at the edge of the OC policy and is adjacent to a residential high-density policy (RMH), which calls for 9 to 20 residential units per acre.

RECENT REZONINGS Yes. The Planning Commission approved a request to rezone parcels 59 and 60 (98Z-109U) to OR20 on June 25, 1998 and parcels 232 and 233 (98Z-115U) to ORI on July 9, 1998. The Council approved both of these zone changes also.

TRAFFIC Based on typical uses in ORI zoning, with on site parking allowing 10,000 sq. ft. of development per acre, such as an office building or medical-dental office approximately 5 to 43 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s

Findings Approve.

Resolution No. 2002-303

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal 2002Z-079U-10 is **APPROVED.**” (9-0)

The proposed ORI district allows uses that are incompatible with the residential uses across 31st Avenue North. The OG district does not allow the same incompatible uses and is consistent with the Subarea 10 Plan’s Office Concentration (OC) policy calling for office development.

8. 2002Z-080U-12

Map 147-4, Parcel 97
Subarea 12 (1997)
District 26 (Arriola)

A request to change from R6 district to OL district property at Wallace Road (unnumbered), abutting the southern margin of Harding Place, (2.4 acres), requested by John Bentley and Debra Dunlap, appellants, for Russell Davis, trustee.

Project No. Zone Change 2002Z-080U-12

Council Bill None

Associated Cases None

Staff Recommendation Approve. OL zoning implements Subarea 12 Plan’s office concentration (OC) policy.

APPLICANT REQUEST Rezone 2.4 acres from Residential (R6) to Office Limited (OL).

Existing Zoning

R6 zoning R6 is intended for single-family homes and duplexes at 6.2 units per acre.

Proposed Zoning

OL zoning OL zoning is intended for moderately intense office uses.

SUBAREA 12 PLAN

Policy

Office Concentration (OC) OC policy is intended for large concentrations of office uses.

Policy Conflict None. OL district is consistent with the intent of the Subarea 12 Plan’s OC policy. This property is situated between an apartment complex to the west and other OL zoned property to the south and east.

RECENT REZONINGS Yes. The Planning Commission approved a request to rezone parcels 17 and 182 (2002Z-074U-12) to OL on July 25, 2002.

TRAFFIC Based on typical uses in CS zoning, with on site parking allowing 10,000 sq. ft. of development per acre, such as medical-dental office, office park, and general office, approximately 264 to 864 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer’s

Findings **Approve.**

Resolution No. 2002-304

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal 2002Z-080U-12 is **APPROVED.**” (9-0)

The proposed OL district is consistent with the Subarea 12 Plan’s Office Concentration (OC) policy calling for moderately intense office development.

PLANNED UNIT DEVELOPMENTS (revisions)

- 13. 74-79-G-13**
- Nashboro Village, Tract 13
- Map 135, Parcel 417
- Subarea 13 (1996)
- District 28 (Alexander)

A request for final PUD approval for a portion of the Residential Planned Unit Development District located abutting the south margin of Nashboro Boulevard and the east margin of Flintlock Court, classified within the R10 district, (5.19 acres), to develop 48 townhomes, consistent with the preliminary PUD plan, requested by Wamble and Associates, PLLC, for WDN Properties, LTD, owner.

Project No. Planned Unit Development
Project Name Nashboro Village, Tract 13
 Council Bill **None**
 Associated Cases **None**
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD Amend PUD Cancel PUD

Request for final PUD approval to allow 48 townhomes in Tract 13, where the Planning Commission approved the same number on April 11, 2002 on the preliminary PUD plan. This plan is consistent with the approved preliminary PUD plan.

A final plat must be recorded as a horizontal property regime and bonds must be posted for the construction of public sidewalks along Nashboro Boulevard.

Existing Zoning

R10/Res. PUD **Preliminary PUD was approved in 1979 for 95 apartment units, and revised by the Planning Commission on April 11, 2002 to reduce the number of units to 48 townhomes in this phase. Plan is grandfathered to permit multi-family units within the R10 district, a single-family and duplex district.**

No one was present to speak at the public hearing.

Vice Chairman Small moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-335

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G-13 is given **CONDITIONAL FINAL PUD APPROVAL** The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
2. 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.”

MANDATORY REFERRALS

15. 2002M-080U-10

Vanderbilt University Fiber Optic Cable
Aerial Encroachment
Map 104-3, Parcel 247
Map 104-6, Parcel 162
Subarea 10 (1994)
District 18 (Hausser)

A request for an aerial encroachment to hang approximately 4,700 feet of fiber optic cable at a minimum height of 18 feet over the public right-of-way, extending from 115 28th Avenue South to 3319 West End Avenue, requested by Vanderbilt University, appellant/owner.

Project No. Mandatory Referral 2002M-080U-10
Council Bill None
Staff Recommendation *Approve.*

APPLICANT REQUEST

Aerial encroachment to hang approximately 4,700 feet of fiber optic cable, at a minimum height of 18 feet over the public right-of-way, from 115 28th Avenue South to 3319 West End Avenue. Cable will hang from existing NES (Nashville Electric Service) poles and lines. Affected rights-of-way will be Vanderbilt Place, 32nd Avenue South, Alley #912 between 32nd & 33rd Avenues, 33rd Avenue South, and Orleans Drive.

APPLICATION REQUIREMENTS

License to Encroach Agreement Yes – one was submitted in correct form.

Insurance Certificate Yes – one was submitted providing general liability of \$1,000,000 for each occurrence and \$3,000,000 for aggregate coverage, as required by Metro Legal.

Property Owner Sign Application Yes – Vice-Chancellor for Administration and Chief Financial Officer for Vanderbilt University.

Tenant Sign Application N/A

**DEPARTMENT AND AGENCY
RECOMMENDATIONS**

All reviewing departments and agencies recommend approval.

Resolution No. 2002-306

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Mandatory Referral 2002M-080U-10 is **APPROVED.**” (9-0)

16. 2002M-082U-10
Nicholson’s Hi-Fi Sign Encroachment
Map 92-16, Parcel 123
Subarea 10 (1994)
District 21 (Whitmore)

A request to install a banner-style sign measuring 12 feet in height and 33 inches wide, with a 10-foot clearance above the public sidewalk for Nicholson’s Hi-Fi Center, Inc., requested by Alexander M. Nicholson, Jr., appellant/owner.

Project No. Mandatory Referral 2002M-082U-10
Council Bill None
Staff Recommendation *Approve.*

APPLICANT REQUEST Install a banner-style sign, measuring 12 feet in height and 33 inches wide, with a 10-foot clearance above the public right-of-way (sidewalk).

APPLICATION REQUIREMENTS

License to Encroach Agreement Yes – one was submitted in correct form.

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 Tenant and owner same.

**DEPARTMENT AND AGENCY
RECOMMENDATIONS**

All reviewing departments and agencies recommend approval.

Resolution No. 2002-307

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Mandatory Referral 2002M-082U-10 is **APPROVED.**” (9-0)

The proposed RM9 district is not consistent with Subarea 5 Plan’s text calling for the preservation of the single-family zoning pattern in the area.

OTHER BUSINESS

18. Employee contract for Adetokunbo Omishakin

Resolution No. 2002-308

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Adetokunbo Omishakin for one year, from September 16, 2002, through September 15, 2003.”

19. Employee contract for John Broome

Resolution No. 2002-309

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for John Broome for one year, from September 26, 2002, through September 25, 2003.”

ZONING MAP AMENDMENTS

21. 2002Z-085G-12
Map 172, Parcels 42 and 43
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to RS15 district property at 5961 and 5975 Mt. Pisgah Road, abutting the southern terminus of Christiansted Lane, (10.3 acres), requested by Patricia Shakoor, appellant/owner.

Project No. Zone Change 2002Z-085G-12

Associated Case None

Council Bill None

Staff Recommendation *Approve with conditions. RS15 is consistent with the RLM policy calling for 2 to 4 dwelling units per acre.*

If a council bill is filed, it should include the following condition for road improvements to be completed or bonded prior to any final subdivision plat recordation:

Widen Mt. Pisgah Road to bring it into compliance with Metro standards for a local road (currently 27 feet of pavement) from the eastern property line of parcel 42 to Edmondson Pike (approximately 2,400 feet).

APPLICANT REQUEST Rezone 10.3 acres from agricultural (AR2a) to single-family residential (RS15)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses with a minimum lot size of two (2) acres.

Proposed Zoning

RS15 zoning RS15 zoning is intended for single-family residential development with a minimum lot size of 15,000 square feet. Rezoning this property to RS15 would allow 25 single-family lots.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM is intended for residential areas with densities between 2 to 4 units per acre.

Policy Conflict No. The RS15 district allows 2.5 units per acre, while the RLM policy calls for 2 to 4 units per acre. The RS15 district is consistent with the Subarea 12 Plan's RLM policy. "The density in this area ranges from 1.5 to 7 units per acre. Despite the various densities within this area, RLM policy best represents the intended overall character of this area." (Page 47, Subarea 12 Plan).

TRAFFIC Mt. Pisgah Road is classified as a local road with 50 feet of right-of-way on the Major Street Plan. Current Metro standards for a local road require 27 feet of pavement, while Mt. Pisgah Road is currently 21 feet wide. If a council bill is filed, it should include a condition requiring that Mt. Pisgah Road be improved to bring it into compliance with Metro standards for a local road (currently 27 feet of pavement). The condition should read as follows: Prior to any final plat recordation, Mt. Pisgah Road must be widened, or a bond must be posted for the widening, from the eastern property line of parcel 42 to Edmondson Pike (approximately 2,400 feet).

Traffic Engineer's

Findings Approve with Conditions listed above.

SCHOOLS

Students Generated 3 Elementary 2 Middle 2 High Schools

Schools Over/Under Capacity Students would attend Granbery Elementary, Glendale Middle (5th and 6th Grades), McMurray Middle (7th and 8th grades) and Overton High School. Granbery, Glendale and McMurray have been identified as being overcrowded by the Metro School Board.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that a significant portion of the property contains property encompassed by floodplain, and a portion of the property contains steep slopes [slopes 20% or greater], the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

"The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes." 17-28-030(A) (emphasis added).

"For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state." i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. "In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent . . . Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state." 17.28.030(A)(2) (emphasis added).

"For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated." 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. "At a minimum, one-half of the natural floodplain area including all of the floodway area shall be

designated as common open space and maintained in a natural state . . .” 17.28.040(A)(2) (emphasis added).

Resolution No. 2002-310

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal 2002Z-085G-12 is **APPROVED**.” (9-0)

The proposed RS15 district is consistent with the Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre. If a council bill is filed, it should include the following condition to be completed or bonded prior to any final subdivision plat recordation: Widen Mt. Pisgah Road to bring it into compliance with Metro standards for a local road (currently 27 feet of pavement) from the eastern frontage of parcel 42 to Edmondson Pike (approximately 2,400 feet).

24. 2002Z-088G-06
Council Bill No. BL2002-1144
Map 155, Parcels 92.02 and 244
Subarea 6 (1996)
District 35 (Lineweaver)

A request to change from RS30 and RS40 districts to RS10 district property at 8264 Collins Road and Collins Road (unnumbered), at the intersection of Collins Road and Collinswood Drive, (4.52 acres), requested Joseph Petrosky, appellant, for Cecil and Charlotte Branstetter, owners.

Project No. Zone Change 2002Z-088G-06

Associated Case None

Council Bill BL2002-1144

Staff Recommendation *Approve with conditions. RS10 is consistent with the Subarea 6 Plan’s RLM policy calling for 2 to 4 dwelling units per acre. If a council bill is filed, it should include the following condition for road improvements to be completed or bonded prior to any final subdivision plat recordation:*

1. Improve Collins Road to bring it into compliance with the Major Street Plan standards for a collector road (currently 37 feet of pavement) from Collinswood Drive to the western property line of parcel 244 (approximately 780 feet).

APPLICANT REQUEST Rezone 4.52 acres from residential single-family (RS30 and RS40) to single-family residential (RS10)

Existing Zoning

RS30 zoning RS30 zoning is intended for single-family residential development with a minimum lot size of 30,000 square feet and a maximum density of 1.2 units per acre.

RS40 zoning RS40 zoning is intended for single-family residential development with a minimum lot size of 40,000 square feet and a maximum density of 0.9 units per acre.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family residential development with a minimum lot size of 10,000 square feet. Rezoning this property to RS10 would allow 17 single-family lots.

SUBAREA 6 PLAN

Policy

Residential Low Medium (RLM) RLM is intended for residential areas with densities between 2 to 4 units per acre.

Policy Conflict No. The RS10 district allows 3.7 units per acre, while the RLM policy calls for 2 to 4 units per acre. The RS15 district is consistent with the Subarea 6 Plan’s RLM policy, and the surrounding single-family zoning pattern. The Poplar Creek Estates PUD was approved in 1984, while the Stonemeade PUD to the south was approved in 1987.

TRAFFIC Collins Road is identified on the Major Street Plan as a collector road, requiring 60 feet of right-of-way and 37 feet of pavement width. Currently, Collins Road is improved from Old Harding Pike to Collinswood Drive. If a council bill is filed, it should include the following condition for road improvements to be completed or bonded prior to any final subdivision plat recordation: Prior to any final plat recordation, Collins Road must be widened, or a bond must be posted for the widening, to the Major Street Plan standard for a collector road (currently 37 feet of pavement) from Collinswood Drive to the western property line of parcel 244 (approximately 780 feet).

Traffic Engineer's

Findings Approve with conditions listed above.

SCHOOLS

Students Generated 2 Elementary 2 Middle 1 High Schools

Schools Over/Under Capacity If the property were developed under the proposed zoning, approximately 5 students would be generated. Students would attend Harpeth Valley Elementary, Bellevue Middle, and Hillwood High School. None of these schools have been identified as being overcrowded by the Metro School Board.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that a significant portion of the property contains property encompassed by floodplain, and a portion of the property contains steep slopes [slopes 20% or greater], the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent . . . Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

“For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be

designated as common open space and maintained in a natural state . . .” 17.28.040(A)(2) (emphasis added).

Resolution No. 2002-311

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal 2002Z-088G-06 is **APPROVED** with conditions.” (9-0)

The proposed RS10 district is consistent with the Subarea 6 Plan’s RLM policy calling for 2 to 4 dwelling units per acre. If a council bill is filed, it should include the following condition for road improvements to be completed or bonded prior to any final subdivision plat recordation:

Improve Collins Road to bring it into compliance with the Major Street Plan standards for a collector road (currently 37 feet of pavement) from Collinswood Drive to the western property line of parcel 244 (approximately 780 feet).

25. 2002Z-089U-08
Map 82-9, Parcels 77 and 78
Subarea 8 (1995)
District 20 (Haddock)

A request to change from IR district to MUN district properties at 1502 5th Avenue North and 4th Avenue North (unnumbered), abutting the northern margin of Van Buren Street, (0.60 acres), requested by Anthony Werthan, appellant, for Werthan Packaging, Inc.

Project No. Zone Change 2002Z-089U-08
Council Bill None
Associated Cases None
Staff Recommendation *Approve.*

APPLICANT REQUEST **Rezone 0.60 acres from Industrial Restrictive (IR) to Mixed Use Neighborhood (MUN)**

Existing Zoning

IR zoning IR is intended for a wide range of light manufacturing uses.

Proposed Zoning

MUN zoning MUN is intended for a low intensity mixture of residential, retail, and office uses.

SUBAREA 8 PLAN

Policy

Parks Reserves and Other Open Space (OS) OS policy reserves designated areas for green space or parks and recreation activities.

Policy Conflict None. The Subarea 8 Plan defines the area north of Van Buren Street OS policy. The Detail Neighborhood Design Plan for Germantown, which was adopted on June 27, defines this area as OS policy with Mixed Live/Work as the alternative land use category. The request for MUN is appropriate, as it would implement the alternate Mixed Live/Work policy.

RECENT REZONINGS No

TRAFFIC Based on typical uses in MUN zoning such as convenience market, offices, and condominiums approximately 8 to 344 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer’s

Findings Approve.

Resolution No. 2002-312

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change Proposal 2002Z-089U-08 is **APPROVED.**” (9-0)

The proposed MUN district is consistent with the Subarea 8 Plan. The Detailed Neighborhood Design Plan for Germantown defines this area as OS policy with Mixed Live/Work as the alternative land use category. The MUN implements this component of the policy.

PLANNED UNIT DEVELOPMENTS (revisions)

32. 210-73-G-14
Performance Marine
Map 97, Parcel 124
Subarea 14 (1996)
District 12 (Ponder)

A request to revise the preliminary plan for 1,000 square feet of additional office space and final approval for a phase of the Commercial Planned Unit Development located abutting the north margin of Sell's Road, east of Old Hickory Boulevard, classified within the CL district, (1.44 acres), to permit the development of a 11,000 square foot boat sales facility, requested by R. Chris Magill Architects, Inc., for Mike and Gregg Taylor, owners.

Project No. Planned Unit Development 210-73-G
Project Name Performance Marine
Council Bill None
Associated Case None
Staff Recommendation *Approve with Conditions.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

Permit the development of an 11,000 sq. ft. boat sales facility, within an existing Commercial PUD, located on Sells Drive.

PLAN DETAILS Proposal is consistent with the preliminary PUD plan of the Drury Commercial PUD Plan, approved by the Metro Council on May 24, 2002, which amended the plan to allow for 10,000 sq. ft. of boat sales in place of a 41,000 sq. ft. hotel.

Although the PUD plan is being revised to allow for 11,000 sq. ft. of building area, the applicant has stated that the additional square footage will be utilized for office space only. The plan proposes a centrally located building with associated parking around the perimeter of the structure. Access to the site will be via one point of ingress and egress on Sells Drive.

TRAFFIC ENGINEER'S FINDINGS Approve

CONDITIONS

1. Prior to the Planning Commission meeting, a revised plan must be submitted to the Planning Department with the following revisions:

A note needs to be added to the General Notes stating that not more than 10,000 square feet of the proposed building will be dedicated to boat sales area.
The plan proposes four handicapped parking spaces but only delineates two such spaces.
Since curb tapers flush with the Finished Floor Elevation, please verify that the up-slope of all handicapped parking spaces, and associated access aisles, does not exceed 1:50 (2%).
Provide for a detail of proposed dumpster enclosure, with gates, on page C.3 of the Performance Marine PUD plans, dated 7-18-02.
Landscape Plan needs to be revised to reflect the new proposal of an 11,000 sq. ft. building and needs to state, "boat sales" in lieu of "vehicle sales".
Verify that proposed street trees are located within the 4-foot planting street on the outside edge of proposed sidewalk along Sells Drive.
Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for landscaping and sidewalks, and any other public improvements.

Resolution No. 2002-313

"BE IT RESOLVED by the Metropolitan Planning Commission that Proposal No. 210-73-G-14 is given **CONDITIONAL APPROVAL (9-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
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 prior to the issuance of any building permits.
4. Sidewalks must be constructed on Sells Drive with the recording of the final plat.
5. 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.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. Revised plans, reflecting revisions required under the staff report, must be submitted to the Planning Department no later than August 26, 2002."

34. 84-87-P-13
Christian Network International
Map 163, Parcels 147, 150, 190 and 323
Subarea 13 (1996)
District 28 (Alexander)

A request for final Planned Unit Development approval for a phase of the Commercial Planned Unit Development District located abutting the north margin of Old Franklin Road and the south margin of Mt. View Road, (13.72 acres), to permit the development of 50,900 square feet of warehouse/distribution, requested by Hastings Architecture Associates, for South Creek Properties, owner.

Project No. Planned Unit Development 84-87-P-13
Project Name Christian Network International, Phase 2
Council Bill None
Associated Case None
Staff Recommendation *Approve with Conditions.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

Permit the development of a 50,900-sq. ft. warehouse/distribution and office facility on a 13.72-acre site located along the south margin of Mt. View Road and the north margin of Old Franklin Road.

PLAN DETAILS Proposal is consistent with the preliminary ‘Crossings at Hickory Hollow’ PUD plan, most recently revised in 2001. The preliminary plan allows for the development of 170,000 sq. ft. of warehouse/distribution and retail/office for phases 1 through 3. Phase 1 provided for 57,300 sq. ft. of warehouse/distribution and office – bringing the total for phases 1 and 2 to 108,200 sq. ft.

The PUD plan shows access to phase 2 via an extension of the phase 1 access drive off of Mt. View Road. In addition, sidewalks are provided along Mt. View Road and Old Franklin Road.

TRAFFIC ENGINEER’S FINDINGS Approve

CONDITIONS

Prior to the issuance of any building permits, a final consolidation plat needs to be recorded that reflects the consolidation of parcels 147, 150, 190, and 323.
A revised PUD plan needs to be submitted prior to the Planning Commission meeting that proposes sidewalk construction in accordance with current Metro Public Works design criteria. (Specifically detail #3 of Sheet C3.1 of the Christian Network International plan, Job #20812, dated 07-01-02.

Resolution No. 2002-314

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 84-87-P-13 is given **CONDITIONAL APPROVAL (9-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
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 prior to the issuance of any building permits.
4. Sidewalks must be constructed on Mt. View Road and Old Franklin Road with the recording of the final plat.
5. Development must occur in accordance with the Christian Network International Plan, as prepared by Hastings Architecture Associates, last revised July 8, 2002.

6. 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.
7. 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.
8. Prior to the issuance of any building permits, a final consolidation plat must be recorded that reflects the consolidation of parcels 147, 150, 190, and 323.”

MANDATORY REFERRALS

35. 2002M-084U-14
 Lease Agreement with U.S. Army for
 Lock Two Park Property
 Map 52
 Subarea 14 (1996)
 District 15 (Loring)

An ordinance approving a lease agreement between Metro Government and the United States of America, Department of the Army, acting by and through the Metro Board of Parks and Recreation, for the existing Lock Two Park, adjacent to Cheatham Lock and Dam, as requested by the Metro Legal Department.

Project No. Mandatory Referral 2002M-084U-14
Project Name Lease Agreement with U.S. Army for Lock Two Park Property
Council Bill To be filed
Staff Recommendation *Approve.*

APPLICATION REQUEST Ordinance approving a lease agreement between Metro Government and the United States of America, Department of the Army, acting by and through the Metro Board of Parks and Recreation, for the existing Lock Two Park, adjacent to Cheatham Lock and Dam.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None.

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-315

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Mandatory Referral 2002M-084u-14 is **APPROVED.**” (9-0)

36. 2002M-085U-10
 Close 50-foot Unnumbered Alley east of 31st Avenue North
 Map 104-2, Parcels 246 and 250
 Subarea 10 (1994)
 District 21 (Whitmore)

A request to close an unnumbered alley extending 50 feet from the north margin of Alley #700, requested by Phillip Baty of Baty Development Group, LLC, for Scott Clayton & Howard Anderson, et al., abutting or affected property owners.

Project No. Mandatory Referral 2002M-085U-10
Project Name Close Unnumbered Alley north of Alley #700
Council Bill None
Associated Case None
Staff Recommendation *Approve.*

APPLICANT REQUEST Close unnumbered alley extending 50 feet from the north margin of Alley #700, between 30th Avenue North and 31st Avenue North. (Easements are to be retained)

APPLICATION REQUIREMENTS

Signatures of All Abutting & Affected Property Owners Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY

RECOMMENDATIONS All reviewing departments and agencies recommend approval.

Resolution No. 2002-316

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Mandatory Referral 2002M-085U-10 is **APPROVED.**” (9-0)

37. 2002M-086G-10
Skymont Water Pumping Station Abandonment
Map 131-13, Parcel 35
Subarea 10 (1994)
District 33 (Turner)

An ordinance abandoning the Skymont Water Pumping Station, located at 1612 Tynewood Drive, for Project No. 02-WG-92, as requested by Metro Department of Water Services.

Project No. Mandatory Referral 2002M-086G-10
Project Name Skymont Water Pumping Station Abandonment
Council Bill To be filed
Staff Recommendation *Approve.*

APPLICATION REQUEST Ordinance abandoning the Skymont Water Pumping Station, located at 1612 Tynewood Drive, for Project No. 02-WG-92, as requested by Metro Department of Water Services.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-317

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Mandatory Referral 2002M-086G-10 is **APPROVED.**” (9-0)

OTHER BUSINESS

38. Employee Contract Amendment for David Kleinfelter

Resolution No. 2002-318

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract amendment for David Kleinfelter.”

39. Employee Contract for Brian Wallace

Resolution No. 2002-319

“**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contract for Brian Wallace for one year, from September 10, 2002, through September 9, 2003.

This concluded the items on the consent agenda.

PUBLIC HEARING ITEMS FROM JULY 25, 2002 COMMISSION MEETING

ZONING MAP AMENDMENTS

- 1. 2002Z-075G-12**
 Map 174, Parcels 1, 2 and 192
 Subarea 12 (1997)
 District 31 (Knoch)

A request to change from AR2a district to RS10 and RM15 districts properties at 765 Preston Road and Preston Road (unnumbered), approximately 1,250 feet west of Cane Ridge Road, (145 acres), requested by Roy Dale of Dale & Associates, appellant, for Charles and Darinda Paul, Milton Paul, and Allen Paul, owners. (Deferred from meeting of 07/25/02).

Mr. Jones stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-075G-12

Associated Case None

Council Bill None

Staff Recommendation *Approve with conditions. If a council bill is filed, it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation: Widening the pavement of Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection, Upgrading the Cane Ridge Road/Preston Road intersection to a 90-degree intersection, Widening Preston Road to Metro standards for a local road (23 feet of pavement) from that intersection to the southern border of parcel 001 on Tax Map 174, and The new development shall tie into the stub street (Hickory Park Drive) to the north.*

APPLICANT REQUEST Rezone 145 acres from Agricultural (AR2a) to Single-family and Multi-family Residential (RS10 and RM15)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses with a minimum lot size of two (2) acres.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family residential development with a minimum lot size of 10,000 square feet.

RM15 zoning RM15 zoning is intended for moderately high intensity multi-family structures at a density of fifteen (15) units per acre.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM is intended for residential areas with densities between two (2) and four (4) units per acre.

Residential Medium High (RMH) RMH is intended for residential areas with densities between nine (9) and twenty (20) units per acre.

Policy Conflict No. The RS10 district allows 3.7 units per acre, while the RLM policy calls for two (2) to four (4) units per acre. The RS10 district is consistent with the Subarea 12 Plan's RLM policy. The RM15 district allows fifteen (15) units per acre, while the RMH policy is intended for densities between nine (9) and twenty (20) units per acre. The RM15 district is consistent with the Subarea 12 Plan's RMH policy.

TRAFFIC The proposed zone change would permit a total of 695 units, 210 multi-family and 485 single-family. This number of units would create approximately 6,025 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic. In 2001, Cane Ridge Road handled an average of 1,142 vehicle trips per day. Staff feels that due to the increase in traffic that would be generated by this zone change, several traffic-related requirements should be included in any Council bill filed to effect this zone change as conditions to be completed prior to any final subdivision plat recordation. Those conditions are:

Upgrade Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection. The current intersection of Cane Ridge Road and Preston Road shall be upgraded to allow Preston Road to meet Cane Ridge Road at ninety degrees.

Upgrade Preston Road to Metro standards for a local road (23 feet of pavement) from its intersection with Cane Ridge Road to the southern border of parcel 001 on Tax Map 174. The new development shall tie into the stub street (Hickory Park Drive) to the north. This street ties directly into a signalized intersection at Bell Road. There is also an existing fire station along Hickory Park Drive.

Traffic Engineer's

Findings The Metro Traffic Engineer has indicated that no Traffic Impact Study has been submitted by the applicant, and has provided no recommendation to staff.

SCHOOLS

Students Generated 109 Elementary 77 Middle 63 High Schools

Schools Over/Under Capacity If the property were developed under the proposed zoning, 249 students would be generated. Students would attend Maxwell Elementary, Antioch Middle, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

NOTE: *The Metro School Board has now identified Maxwell Elementary and Antioch Middle School as overcrowded as of the beginning of the 2002-03 school year.*

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that a significant portion of the property contains property encompassed by floodplain, and a portion of the property contains steep slopes [slopes 20% or greater], the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

“For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state” 17.28.040(A)(2) (emphasis added).

Mr. Larry Tucker, Mr. Randy Doors, Mr. Larry Riggs, Mr. Jim Arnold, Mr. Gary Mosley, Mr. Jeff Vaughn, Ms. Gail Bradford, Ms. Jenny Parton, Mr. Charles Brown, Mr. Steve Abernathy, and Ms. Nell Holloway spoke in opposition to the proposal and expressed concerns regarding high density, the potential for rental property, ingress/egress locations, the road capacity, traffic, safety, a blind curve in the road, no shoulder on the road, cut through traffic, school overcrowding, loss of nature and habitat, and the environmental impact.

Ms. Parton presented the Commission with a petition in opposition.

Mr. William Garth state he was a good friend of the property owner and that Mr. Paul was trying his best to develop the property in the right way and that the request fits the subarea plan.

Mr. Roy Dale, representing the applicant, spoke in favor of the proposal and asked the Commission to listen to staff’s recommendation and approve the proposal.

Mr. Charlie Paul, property owner, stated the property had been in his family for a hundred years. All the other property around it has developed and now he wants to develop his property. He asked for approval.

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing.

Ms. Jones stated she kept hearing the community say they had not been informed regarding this development and that perhaps it should be deferred.

Ms. Nielson stated she liked the idea of deferring to give the community an opportunity to be educated on the plans.

Mr. Clifton stated he was trouble by this proposal because of the vehicle capacity. He asked Mr. Dale if there was any opposition to the staff's conditions.

Mr. Dale indicated he had no opposition.

Mr. Tyler stated that, at some point the developer needs to communicate their plans to the community.

Councilmember Summers asked if this zoning was the maximum allowed on this property.

Mr. Jones stated it was not and that RM20 could be requested with this property's policy.

Vice Chairman Small moved to adopt staff conditions and to add a condition to this proposal to require the applicant to provide 10 acres to be available for a school. Councilmember Summers second the motion, which carried with Ms. Nielson opposition.

Resolution No. 2002-320

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2002Z-075G-12 is **APPROVED.**” (8-1) The following conditions apply:

The proposed RM15 district is consistent with the Subarea 12 Plan's Residential Medium High (RMH) policy calling for 9 to 20 dwelling units per acre north of the TVA line. The proposed RS10 district is consistent with the Subarea 12 Plan's Residential Low Medium (RLM) policy calling for 2 to 4 dwelling units per acre south of the TVA line. If a council bill is filed, it should include the following conditions to be completed or bonded prior to any final subdivision plat recordation:

Widening the pavement of Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection.

Upgrading the Cane Ridge Road/Preston Road intersection to a 90-degree intersection.

Widening Preston Road to Metro standards for a local road (23 feet of pavement) from that intersection to the southern frontage of parcel 001 on Tax Map 174.

The new development shall tie into the stub street (Hickory Park Drive) to the north.

A school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education.

Councilmember Melvin Black spoke regarding item 22. 2002Z-086U-03, and stated this had been removed from the consent agenda and asked for approval as recommended by staff.

2. 2002Z-076U-12
Map 162, Parcels 105 and 130
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to CL district properties at Bell Road (unnumbered), at the intersection of Bell Road and Old Hickory Boulevard, (6.34 acres), requested by George Tomlin of GBT Realty Corporation, appellant, for William Dyer, owner. (Deferred from meeting of 07/25/02).

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2002Z-076U-12

Council Bill None

Associated Cases None

Staff Recommendation *Disapprove. CL zoning will not implement the Subarea 12 Plan's Residential Medium (RM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.*

APPLICANT REQUEST Rezone 6.34 acres from Agricultural (AR2a) to Commercial Limited (CL)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

Proposed Zoning

CL zoning CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

SUBAREA 12 PLAN

Policy

Residential Medium (RM) RM policy permits 4 to 9 units per acre.

Policy Conflict Yes. CL district is not consistent with the intent of the Subarea 12 Plan's RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning, staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more than 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

RECENT REZONINGS Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

TRAFFIC Based on typical uses in CL zoning, with on site parking, 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as discount store, hardware store, and restaurant approximately 3,374 to 8,264 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's

Findings The Metro Traffic Engineer has indicated no objections to this project if traffic improvements called for in Zone Change 2002Z-077G-12 are completed.

Mr. George Benham stated he had a letter from Congressman Clements to Rick Bernhardt, dated January 9th of this year stating the stormwater management needs to be restudied around Whitmore Branch.

Mr. Bill Forte, representing GBT Realty Corporation, explained the proposal and stated Whitmore Branch has been restudied.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-321

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change 2002Z-076U-12 is **DISAPPROVED.**” (9-0)

The proposed CL district is not consistent with the Subarea 12 Plan’s Residential Medium (RM) policy calling for 4 to 9 residential dwelling units per acre, or the unmapped Retail Neighborhood (RN) policy in the area allowing a maximum of 30,000 to 100,000 square feet of commercial development. Currently, this intersection already exceeds this policy with the existing commercially zoned property.

3. 2002Z-077U-12

Council Bill No. BL2002-1149
Map 162, Parcels 103, 129, 194, 195, 196, 197, 198 and
Part of Parcels 100 (3.2 acres), 101 (2.6 acres), 102 (2.9 acres) and 125
(3.5 acres)
Subarea 12 (1997)
District 31 (Knoch)

A council bill to rezone from AR2a district to SCR district properties at 14838, 14844, 14850, 14854, 14860, 14864 Old Hickory Boulevard, 1584, 1604 Bell Road, and Bell Road (unnumbered), at the intersection of Bell Road and Old Hickory Boulevard, (33 acres), requested by Edward Owens of Gresham, Smith & Partners, appellant, for Jeff Seat, Sylvia Patterson, Charles Robinson, James Watson, Ida Watson, Camille Reasonover, and Bill O'Neil, owners. (Deferred from meeting of 07/25/02).

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2002Z-077U-12

Council Bill None

Associated Cases None

Staff Recommendation *Disapprove. SCR zoning does not implement the Subarea 12 Plan’s residential (RM or RLM) policy, and would exceed the commercial development square footage standards for the unmapped commercial node.*

APPLICANT REQUEST Rezone 33 acres from Agricultural (AR2a) to Shopping Center Regional (SCR)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

Proposed Zoning

SCR zoning SCR zoning is intended for high intensity retail, consumer service, and office uses for a regional market area.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM policy permits 2 to 4 units per acre.

Residential Medium (RM) RM policy permits 4 to 9 units per acre.

Policy Conflict Yes. SCR district is not consistent with the intent of the Subarea 12 Plan’s RLM or RM policy. In 1998 the Planning Commission approved a zone change from AR2a to CL for parcel 178 just to the west of the proposed property. At the time of that rezoning staff pointed out an unmapped commercial node at the intersection of Bell Road and Old Hickory Boulevard. Unmapped commercial nodes reflect the standards of the Retail Neighborhood (RN) policy area. The RN policy area allows for 30,000 to 100,000 sq. ft. of commercial development. Currently at this commercial node there is potential for more than 300,000 sq. ft. of commercial development, which exceeds the maximum of 100,000 sq. ft. In order to

support the expansion of commercial zoning in this area the policy would have to be Retail Concentration Community (RCC) policy, which supports 100,000 to 500,000 sq. ft. of development.

RECENT REZONINGS Yes. MPC approved on 7/23/98 (98Z-128U) rezoning parcel 178 from AR2a to CL. Council approved on 10/22/98 (O98-1334).

TRAFFIC Based on typical uses in SCR zoning, with on site parking, 10,000 sq. ft. of development per acre is used to calculate traffic generation, such as a superstore, shopping center, and supermarket approximately 14,164 to 36,798 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s

Recommendation Approve with conditions as follows:

Construct roadway improvements on Old Hickory Blvd. and Bell Rd. to include roadway widening and construction of additional lanes.

Conduct a traffic impact study for this proposal as soon as the Metro Public Schools academic year begins. Implement any additional recommendations by the study and/or the Metro Traffic Engineer.

Ms. Leona Brighton spoke in opposition to the proposal and expressed concerns regarding loosing her privacy and property depreciation.

Mr. Artherr Reasonover spoke in favor of the proposal and stated it would be an economic boost for that area because it is depressed at the present time.

Mr. James Portant stated he was in favor of the proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove.

Resolution No. 2002-322

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2002Z-077U-12 is **DISAPPROVED.**” (9-0)

The proposed SCR district is not consistent with the Subarea 12 Plan’s Residential Medium (RM) policy calling for 4 to 9 residential dwelling units per acre, the Residential Low Medium (RLM) calling for 2 to 4 residential dwelling units per acre, or the unmapped Retail Neighborhood (RN) policy in the area allowing a maximum of 30,000 to 100,000 square feet of commercial development. Currently, this intersection already exceeds this policy with the existing commercially zoned property.

- 4. 2002Z-078U-14**
- Map 96-9, Parcels 96 and 97
- Map 96-13, Parcel 20
- Subarea 14 (1996)
- District 15 (Loring)

A request to change from CL district to R10 district properties at 420, 424 Donelson Pike, and Donelson Pike (unnumbered), approximately 160 feet south of Lakeland Drive, (9.46 acres), requested by Councilmember J. B. Loring, appellant, for Ria Graman, Betty Borth, and S. Plant, owners. (Deferred from meeting of 07/25/02).

Mr. Hardison stated staff is recommending approval.

Project No. Zone Change 2002Z-078U-14
Council Bill None
Associated Cases None

Staff Recommendation *Approve.*

APPLICANT REQUEST Rezone 9.46 acres from Commercial Limited (CL) to Residential (R10)

Existing Zoning

CL zoning CL zoning is intended for retail, consumer service, financial, restaurant, and office uses.

Proposed Zoning

R10 zoning R10 zoning is intended for single-family and duplexes at 3.7 dwelling units per acre.

SUBAREA 12 PLAN

Policy

Commercial Mixed

Concentration (CMC) CMC policy is intended for major concentrations of retail, offices, and medium density residential.

Policy Conflict None. R10 district is at the low end of medium density residential. These properties have come before the Planning Commission on several other occasions requesting CL zoning. Planning staff and the Planning Commission have consistently recommended disapproval of the CL zoning. Metro Council approved the change to CL in 2001. This change will return the properties to R10 zoning which is appropriate for this area and is consistent existing pattern in this area.

RECENT REZONINGS Yes. MPC disapproved on 4/26/01 (2001Z-042-14U) rezoning these parcels from R10 to CL. Council approved on 8/4/01 (BL2001-737).

TRAFFIC Based on typical uses in R10 zoning such as single-family residences and duplexes approximately 70 to 140 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's

Recommendation Approve.

SCHOOLS

Students Generated 6 Elementary 4 Middle 3 High School

Schools Over/Under Capacity Students will attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. Two Rivers Middle and McGavock High have not been identified as being overcrowded by the Metro School Board, but McGavock Elementary School has been identified as being overcrowded.

NOTE: *The Metro School Board has now identified McGavock High School as overcrowded and McGavock Elementary as "at capacity" as of the beginning of the 2002-03 school year.*

No one was present to speak at the public hearing.

Councilmember Summers moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-323

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2002Z-078U-14 is **APPROVED.**" (9-0)

The proposed R10 district is consistent with the surrounding residential, single-family zoning pattern. The Subarea 14 Plan designates this area as Commercial Mixed Concentration (CMC), calling for a wide range of commercial uses and medium density residential. R10 falls within the medium density residential at 3.7 units per acre.

PRELIMINARY PLAT SUBDIVISIONS

5. 2002S-154G-12
CANE RIDGE ESTATES
Map 174, Parcel 35
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval to create 68 lots abutting the northeast margin of Cane Ridge Road, approximately 2,765 feet southeast of Old Franklin Road, (31.0 acres), classified within the RS15 district, requested by Dotson and Thomasson, owner/developer, Dale and Associates, surveyor. (Deferred from meeting of 07/25/02).

Ms. Fuller stated staff recommends approval with conditions.

Project No. Subdivision 2002S-154G-12
Project Name Cane Ridge Estates
Associated Cases Zone Change 2001Z-075G-12
Council Bill BL2001-805

Staff Recommendation *Approve with conditions subject to a revised preliminary plat prior to the planning commission meeting and bonds for the extension of streets, sidewalks, public utilities and landscape buffer yards.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 30.63 acres into 68 lots using the cluster lot option, at a proposed density of 2.19 units per acre.

ZONING **RS15 district requiring a minimum lot size of 15,000 sq. ft.**

CLUSTER LOT Applicant proposes to reduce lots two (2) base zoning districts, from RS15 (minimum 15,000 sq. ft. lot) to RS 7.5 (minimum 7,500 sq. ft. lot). The proposed lots range in size from 7,520 sq. ft. to 11,840 sq. ft.

SUBDIVISION DETAILS The strip of land that abuts the south side of Cane Springs Road and runs approximately 580 feet starting at the project entrance on Cane Ridge Road and extending east is being dedicated by the plat as right-of-way. This dedication will make possible future access or utility connections for property to the south. It is not a “spite strip.”

Sycamore Tree A very large, mature sycamore tree, with a caliper of over 30 inches exists in the vicinity of the rear of lot 2. This tree has been located on the plat but needs to be delineated that it is to be protected and retained through the grading and building process.

Blue Line Stream A blue line stream begins in the vicinity of lot 22. A blue line stream is a stream that has been determined by the Tennessee Department of Environment and Conservation (TDEC) to have water in it all year. These streams are depicted on the United States Geological Survey Quadrangle (USGS Quad) maps with a blue line, hence the name, “blue line.” The state has jurisdiction over blue line streams. When 40 acres or more of land are draining into a stream, Metro’s Stormwater Management Ordinance

requires a 25-foot buffer yard perpendicular from each side of the stream bank. Concerns were raised by Water Services (Stormwater Management) in reviewing this plat as to where the point began that 40 acres of land were draining to the stream. The applicant provided a “40-acre buffer yard” around the stream based on the blue line shown on USGS Quad maps. TDEC has conducted a preliminary field inspection to determine if this is accurate or if there is more water on site that is under its jurisdiction. TDEC has indicated there is evidence that more of the stream may be considered a blue line and that there are two springs. If TDEC concludes that these features are under their jurisdiction the applicant may lose some lots and need to redesign this site.

Spring House A natural spring is located in the vicinity of the Cane Springs Road/Springhouse Way intersection, adjacent to lot 27. This plat notes this spring is to be used as an amenity and preserved. However, no details have been presented at this time, other than a note that temporary fencing will protect the spring during construction and that the crossing of the spring bed will be approved by the State of Tennessee before construction begins. There is great concern about this spring as it feeds a well and a pond on the adjacent neighbor’s property (Mark W. and Carol A. Dugger).

Until more details have been presented about the spring’s preservation and the treatment of the blue-line stream, **staff recommends that no grading, blasting or building construction permits be issued until after TDEC conducts its final investigation and the Planning Commission approves a final plat.**

SUBDIVISION VARIANCES None

TRAFFIC ENGINEER’S

FINDINGS The Planning Commission conditioned this property’s rezoning, to provide a left-turn lane on Cane Ridge Road between Blairfield Drive and the project entrance (Cane Springs Road). This improvement is near completion.

Cane Ridge Road is narrow and winding. It is not feasible for the developer to improve Cane Ridge Road between Bell Road and the property. Although the construction of 68 homes will impact Cane Ridge Road, there are large amounts of vacant land yet to be developed in the vicinity (Planning and Public Works staffs are continuing to review a method of proportional responsibility for road improvements). One intersection has been identified that will be greatly impacted by this subdivision, Preston Road and Cane Ridge Road. With the increased traffic from this development, there is concern for the safety of motorists at this intersection. As a condition of this approval, the developer will provide additional pavement width on Cane Ridge Road south of Preston Road. This is to be the continuation of the southbound, right side edge of pavement from north of Preston Road to south of Preston Road and then a smooth transition back to the existing alignment. This will alleviate to some degree the change in alignment that occurs just past the Preston Road intersection as motorists head southbound that is hidden by a hill profile. In addition, the developer will smooth the transition on Cane Ridge Road through the intersection by attempting to shave the top of the hill and create a less severe drop in the roadway. A plan will need to be submitted to and approved by the Traffic Engineer prior to the approval of any final plats.

CONDITIONS The following conditions need to be satisfied prior to the planning commission meeting: Further graphically clarify that the land between Cane Springs Road and the south property line is being **dedicated** as right-of-way.

A standard “C” type landscape buffer yard must be clearly delineated as running the entire western boundary of the perimeter of the subdivision.

Due to the issues involved with this site and the lack of information that is available at the preliminary plat stage, a note must be added across the plat’s lot layout in large, bold font: “No grading, blasting, or building permits shall be issued for any portion of this property prior to the approval of the final plat.”

The developer must submit a plan to the Metro Traffic Engineer for the improvement of the Cane Ridge Road in the vicinity of Preston Road prior to the approval of any final plats.

With the final plat, bonds must be submitted and approved for the extension of streets and sidewalks, public utilities and landscape buffer yards.

Mr. Wayne Dugger, Ms. Margaret Gilmore, and Mr. Randy Doors spoke in opposition to the proposal and expressed concerns regarding blasting, stormwater runoff, environmental violations, disruption of the blue line stream, inadequate roads, developer destruction, ruining the ponds and wells, schools, Police, Fire Department, safety, and traffic, and asked for disapproval and for strict development conditions.

Mr. Roy Dale spoke in favor of the proposal and stated this is a preliminary plan and meets all the requirements. There should be no grading on this property until approval has been granted from the State and Public Works.

Mr. McLean moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing.

Councilmember Summers moved and Ms. Cummings seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2002-324

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No.2002S-154G-12, is **APPROVED WITH CONDITIONS (9-0)**.

Staff recommends approval of the preliminary plat subject to the following conditions:

1. Due to the issues involved with this site and the lack of information that is available at the preliminary plat stage, a note must be added across the plat’s lot layout in large, bold font: “No grading, blasting, or building permits shall be issued for any portion of this property prior to the approval of the final plat.” The applicant must provide compliance with or resolution of the concerns of the Tennessee Department of Environment and Conservation (TDEC) before the Planning Commission can approve the final plat.
2. The developer must submit a plan to the Metro Traffic Engineer for the improvement of the Cane Ridge Road in the vicinity of Preston Road prior to the approval of any final plats.
3. With the final plat, bonds must be submitted and approved for the extension of streets and sidewalks, public utilities and landscape buffer yards.”

6. 2002S-206G-03
PRESTWICK PLACE
 Map 49, Parcels 350, 351 and 352
 Subarea 3 (1998)
 District 3 (Nollner)

A request for preliminary plat approval for 49 cluster lots abutting the west margin of Knight Road, approximately 577 feet north of Brook Manor Drive, (13.31 acres), classified within the R10 district, requested by Allen Earps, owner/developer, MEC, Inc., surveyor. (Deferred from meeting of 07/25/02).

Mr. Hardison stated staff recommends approval.

Project No. Subdivision 2002S-206G-03
 Project Name Prestwick Place
Associated Cases None
Staff Recommendation *Approve with conditions subject to a revised plat being submitted prior to the Planning Commission meeting.*

APPLICANT REQUEST

 X Preliminary Plat ___ Preliminary & Final Plat ___ Final Plat

Subdivide 13.31 acres into 49 lots using the cluster lot option, at a proposed density of 3.68 units per acre.

ZONING **RS10 district requiring minimum lot size of 10,000 square feet.**

SUBDIVISION VARIANCES None

TRAFFIC ENGINEERS

Findings Approve.

CONDITIONS Staff recommends conditional approval of this plat subject to a revised plat being submitted prior to the Planning Commission meeting, showing the following:

Add the note “The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 – Regulations.”

Mr. Roy Petty, Mr. Gary Barber, Ms. Sherry Gilley, Mr. Woody Knight, Mr. Herman Sutherland, and Ms. Kay Sutherland spoke in opposition to the proposal and expressed concerns regarding not being notified of the zone change from AR2a to R10, water runoff, inadequate road conditions, dumping, endangering the wildlife, noise, traffic, safety, only having one way in and one way out, and incompatible homes,

Mr. Barber presented the Commission with a petition in opposition.

Ms Nielson moved and Mr. McLean seconded he motion, which carried unanimously, to close the public hearing.

Ms. Cummings questioned the flooding in the area.

Mr. Hardison explained Metro Stormwater Management approved the plan and stated this development would not create additional flooding in the area.

Mr. Small moved to approve and Ms. Nielson seconded the motion to approve with the condition that no grading be allowed on the lots adjacent to the flood plain until after final approval.

Resolution No. 2002-325

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-206G-03 is APPROVED SUBJECT TO GRADING PLANS BEING APPROVED PRIOR TO ISSUANCE OF BUILDING PERMITS FOR LOTS 23, 24 AND 25 (9-0).

Staff recommends approval of the final plat subject to the following condition:

No grading permit be issued for lots 23, 24, and 25 prior to the recording of the final plat.”

ZONING MAP AMENDMENTS

9. 2002Z-081G-13

Map 123, Parcel 50

Subarea 13 (1996)

District 12 (Ponder)

A request to change from RS15 district to AR2a district property at 1874 Bakers Grove Road, approximately 4,000 feet west of Hobson Pike, (42.42 acres), requested by Bobbi J. Box, for Karl Ray Montgomery, Jr., owner.

Mr. Leeman stated staff recommends approval.

Project No. Zone Change 2002Z-081G-13

Council Bill None

Associated Cases None

Staff Recommendation *Approve. The proposed AR2a district is consistent with the Subarea 13 Plan's Interim Non-urban policy calling for low-density uses such as agricultural until appropriate infrastructure is in place to support higher density development.*

APPLICANT REQUEST Request to rezone 42.42 acres from residential single-family (RS15) to agricultural (AR2a). The applicant has indicated that this request is being made to allow for a horse farm.

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family residential allowing 3.7 dwelling units per acre. The current zoning would allow for 105 single-family lots.

Proposed Zoning

AR2a zoning AR2a zoning is intended for residential dwellings requiring a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two family, and mobile homes. AR2a also allows for horse stables as a Special Exception (SE), requiring Board of Zoning Appeals approval.

SUBAREA 13 PLAN

Policy

Interim Non-urban (IN) Interim Non-urban (IN): A policy category designed for areas that are generally suitable for urban development in the future, but should remain non-urban in character for the next twenty years. "IN policy is applied to this area of low-intensity residential development because it is remote from services necessary to support urbanization, particularly sewers, and is expected to remain that way during the planning period." (Page 49, Subarea 13 Plan, 1996).

Policy Conflict No. The AR2a district is consistent with the Subarea 13 Plan's IN policy calling for very low-density residential development. The low-density is necessary to maintain the semi-rural and rural character with large tracts of land until urbanization of this area is appropriate.

RECENT REZONINGS No

TRAFFIC

Metro Traffic Engineer's

Findings Approve.

SCHOOLS

Students Generated 3 Elementary 2 Middle 2 High School

Schools Over/Under Capacity Students would attend Mt. View Elementary, Kennedy Middle and Antioch High School, all of which have been identified by the Metro School Board as overcrowded schools. Students will attend Ruby Major Elementary School when that school is built.

The current RS15 zoning would generate approximately 17 elementary students, 11 middle school students, and 9 high school students.

Councilmember Ponder stated that at a meeting he called a petition was signed with 9 in opposition and 10 in favor of the proposal.

Mr. Jim Peaks expressed concerns regarding traffic and the density

Ms. Bobbie Box, Mr. Bret Sird, and Mr. Joe Barr spoke in favor of the proposal.

Mr. Michael Ritchey and Ms. Laura Ritchey spoke in opposition to the proposal and asked for disapproval.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which carried unanimously, to close the public hearing.

Vice Chairman Small moved and Ms. Jones seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2002-326

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change 2002Z-081G-13 is **APPROVED.**” (9-0)

The proposed AR2a district is consistent with the Subarea 13 Plan’s Interim Non-urban policy calling for low-density uses such as agricultural until appropriate infrastructure is in place to support higher density development.

10. 2002Z-082U-05
Map 71-15, Parcel 252
Subarea 5 (1994)
District 5 (Hall)

A request to change from RS5 district to RM9 district property at 1319 Lischey Avenue, approximately 200 feet south of Marie Street, (.37 acres), requested by Anita Cartmell, for James Roberts, Jr., and Shelly Pratt, owners.

Mr. Leeman stated staff recommends disapproval.

Project No. Zone Change 2002Z-082U-05
Council Bill None
Associated Cases None
Staff Recommendation *Disapprove. The RM9 district is not consistent with the single-family zoning pattern in the area.*

APPLICANT REQUEST Rezone 0.37 acres from residential single-family (RS5) to multi-family residential (RM9)
Existing Zoning
 RS5 district RS5 is intended for single-family residential at 7.4 dwelling units per acre.

Proposed Zoning
 RM9 district RM9 is intended for multi-family residential development at a maximum of 9 dwelling units per acre. RM9 would permit 3 multi-family units on 0.37 acres. It also permits nursing homes and assisted-living uses.

SUBAREA 5 PLAN
Policy Residential Medium (RM) allows
 4 to 9 dwelling units per acre

Policy Conflict Yes. Although the proposed RM9 district falls within the Subarea 5 Plan’s RM policy calling for 4 to 9 dwelling units per acre, it is within an area of predominately single-family homes. The plan states: “Conservation of the established neighborhoods and nodes of neighborhood commercial development is intended for these RM areas” (page 83, Subarea 5 Plan).

Multi-family residential zoning is inconsistent with the single-family pattern in the area along Lischey Avenue

RECENT REZONINGS No

TRAFFIC

Traffic Engineer’s Findings Approve.

SCHOOLS

Students Generated 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students will attend Shwab Elementary, Jere Baxter Middle, and Maplewood High School. None of these schools have been identified as being overcrowded by the School Board.

Ms. Benita Cartinel spoke in favor of the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and disapprove.

Resolution No. 2002-327

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change 2002Z-082U-05 is **DISAPPROVED.**” (9-0)

PRELIMINARY PLAT SUBDIVISIONS

11. 2002S-152U-03
THELMA HARDY SUBDIVISION
Map 70-7, Parcel 60
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide one parcel into three lots and a sidewalk variance abutting the north margin of Lincoln Street, approximately 370 feet east of Old Buena Vista Road, (3.59 acres), classified within the RS7.5 district, requested by Thelma Hardy, owner/developer, Jenkins and Jenkins Land Surveying, surveyor.

Mr. Hardison stated staff recommends approval.

Project No. Subdivision 2002S-152U-03
Project Name Thelma Hardy Subdivision
Associated Cases None
Staff Recommendation *Approve with conditions subject to a variance for construction of a sidewalk along the frontage of Lot 3.*

Applicant Request

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide a 3.59-acre parcel into three (3) lots.

ZONING

RS7.5 district requiring minimum lot size of 7,500 square feet

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) Sidewalk required along the frontage of lot 3 on Lincoln Street. No new development rights are being created on Lots 1 and 2.

Currently Lincoln Street is a substandard Metro road. There is an existing 40-foot right-of-way, with approximately a 15 foot paved section of road. The applicant has agreed to dedicate six (6) feet of property along the property’s frontage. Lincoln Street already has several homes that use this road for access.

Recommendation A section of sidewalk 104 feet long in length would require major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk, which is inconsistent with good planning and design principles. Therefore, staff recommends approval of the request for a sidewalk variance for lot 3. Future larger scale development is expected on this applicant’s property along Lincoln Street that will upgrade the road and also construct the sidewalks.

TRAFFIC ENGINEER’S FINDINGS Approve

CONDITIONS Staff recommends conditional approval of this plat subject to variance for construction of a sidewalk along the frontage of Lot 3.

No one was present to speak at the public hearing.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-328

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-152U-03, is **APPROVED WITH CONDITIONS AND SUBJECT TO VARIANCE (9-0).**”

Staff recommends approval of the final plat subject to the following condition:
A variance for the construction of sidewalks along the frontage of lot 3 on Day Street.”

12. 2002S-207G-14
VILLAGE OF OLD HICKORY, Section A,
Resubdivision of Lot 189A
Map 44-15, Parcel 413
Subarea 14 (1996)
District 11 (Brown)

A request for final plat approval to subdivide one lot into two lots abutting the northeast margin of Riverside Road, approximately 367 feet southeast of Jones Street, (1.13 acres), classified within the R15 district, requested by Michael W. and Tara E. Peek, owners/developers, Crockett Surveying, surveyor.

Mr. Hardison stated staff recommends approval.

Project No. Subdivision 2002S-207G-14
Project Name Village of Old Hickory, Section A
Associated Cases None
Staff Recommendation *Approve with conditions subject to variances for construction of a sidewalk along the frontage of Lot 189B and lot comparability for Lot 189B.*

Applicant Request

____ Preliminary Plat

X Preliminary & Final Plat

____ Final Plat

Subdivide a 1.13-acre lot into two lots.

ZONING

R15 district requiring minimum lot size of 15,000 square feet

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) A sidewalk is required along the frontage of Lot 189B on Riverside Road. Currently, on Riverside Road there are sidewalks on the western margin of the road and no sidewalks on the east margin. Lot 189A is improved and not planned for demolition. Because no new development rights are being created for the lot, staff has interpreted the Subdivision Regulations as not requiring a sidewalk for Lot 189A. Sidewalks however are required for Lot 189B. Public Works has indicated that in order to construct sidewalks along Riverside Road the road would have to be widened one and a half (1 ½) feet and include the addition of curb and gutter along the portion of the road where the sidewalks are to be constructed.

Recommendation Approve. A section of sidewalk 30 feet in length will require a major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk, which is inconsistent with good planning and design principles.

Lot Comparability

(Section 2-4.7) Lot frontage for the new proposed lot is not consistent with the average of lots in the comparability study. The minimum lot frontage allowed by comparability study is 46 feet. The applicant has provided 30 feet of frontage for lot 189B.

Recommendation Approve variance for lot comparability. At the present time the area zoned R15 is mostly undeveloped. The properties used in this study are predominantly R6 district properties. The R15 zoned property that is included in the study exceeds the minimum standards applied to R15 zoned property.

TRAFFIC ENGINEER’S

FINDINGS Approve

CONDITIONS Staff recommends conditional approval of this plat subject to variance for construction of a sidewalk along the frontage of lot 189B and lot comparability for lot 189B.

No one was present to speak at the public hearing

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-329

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-207G-14, is **APPROVED WITH CONDITIONS AND SUBJECT TO VARIANCE (9-0)**.

Staff recommends approval of the preliminary plat subject to the following conditions:

1. A variance for the construction of sidewalks along the frontage of lot 189B on Riverside Road.
2. A variance for lot comparability.”

MANDATORY REFERRALS

14. 2002M-070U-03

Partial Closure of Winstead Avenue and Alley #1039
Map 71-1, Parcels 57, 60 and 65
Subarea 3 (1998)
District 2 (Black)

A request to close a 290-foot portion of Winstead Avenue from the mid-point of the right-of-way between Monticello Street and Old Matthews Road to the terminus of Winstead Avenue at Monticello Street, and to close all of Alley #1039 from the east margin of Old Matthews Road to the west margin of Monticello Street, both within map 71-01, as part of a consolidation plat request (2002S-201U-03), requested by John and Judy Newell, appellants, for Joseph Herrod, et al, E. C. Bender, Cleve Yokley, James Allen, Jessie Teasely, and J. P. Ingle, abutting property owners. (Easements to be retained).

Mr. Mitchell stated this is the item he was discussing with Councilmember Black at the beginning of the meeting and staff is now recommending indefinite deferral.

Project No. Mandatory Referral 2002M-070U-03
Council Bill None
Associated Case 2002S-201U-03 Joseph Herrod Subdivision
Staff Recommendation *Approve.*

APPLICANT REQUEST **Close a 290-foot portion (east half) of Winstead Avenue, between Monticello Street and Old Matthews Road, and close all of Alley #1039. (Easements are to be retained)**

APPLICATION REQUIREMENTS

Signatures of All Abutting &

Affected Property Owners Yes – and they match tax assessor information.

DEPARTMENT AND AGENCY

RECOMMENDATIONSAll reviewing departments and agencies recommend approval.

Ms. Nielson moved and Cummings seconded the motion, which carried unanimously, to close the public hearing and approve staff recommendation to defer indefinitely.

OTHER BUSINESS

17. Consider a request to rehear a sidewalk variance request for Villages of Brentwood, Phase 11, 99S-097U-12, requested by Rex Garton, homeowner. (Originally heard on 6/27/02).

Mr. Rex Garton asked the Commission for a rehearing regarding the removal of the sidewalks in the Villages of Brentwood, Phase 11.

Mr. Tom White, representing the builder, stated there have been no changes in the conditions as the MPC Rules and Procedures require. To rehear this item a motion and a second must be made by a Commissioner that was present when the original vote took place.

No motion was made so the request to rehear died.

ZONING MAP AMENDMENTS

20. 2002Z-009U-10
Council Bill No. BL2002-963
Map 117-10, Parcel 95

Subarea 10 (1994)
District 25 (Shulman)

A council bill to rezone from R10 district to OR20 district property at 2411 Crestmoor Road, abutting the northern terminus of Bedford Avenue, (0.4 acres), requested by Frank Ingraham, appellant, for Valarie L. Wilson and William J. Wilson, owners. (Deferred from meeting of 2/14/02).

Mr. Hardison stated staff recommends disapproval.

Project No. Zone Change 2002Z-009U-10

Associated Case None

Council Bill BL2002-963

Deferral Applicant deferred at MPC meeting on 2/28/02.

Staff Recommendation *Disapprove. OR20 zoning will not implement the Subarea 10 Plan's residential low policy.*

APPLICANT REQUEST Rezone 0.4 acres from Residential (R10) to Office and Multi-Family Residential (OR20)

Existing Zoning

R10 zoning R10 is intended for single-family and duplexes at 3.7 units per acre.

Proposed Zoning

OR20 zoning OR20 is intended for office and multi-family residential at 20 units per acre.

SUBAREA 10 PLAN

Policy

Residential Low (RL) RL policy allows 1 to 2 units per acre.

Policy Conflict Yes. The property is located in the Subarea 10 Plan's Residential Low (RL) Policy area and borders a Regional Activity Center (RAC) policy area. There has been interest over the past several years to extend the RAC policy to include all properties along Bedford Avenue. The abutting neighborhood, however, has not supported any additional commercial encroachment. The property is also on the border between an area zoned R10 and an area zoned OR20. All properties along the northern portion of Crestmoor Road are zoned OR20, except for the proposed property and two other properties to the west.

This area is addressed in the Subarea 10 Plan's implementation section which states the following: "The second change recommended within the Green Hills activity center is a change in use for both sides of Bedford Avenue and the east side Cleghorn Avenue. It is recommended that the Regional Activity Center policy be extended to Bedford Avenue. This would provide a limited additional opportunity for retail expansion, as well as added office space. The west side of Bedford Avenue is recommended for office transition uses that would be more compatible with the lower density residential development on Cross Creek". Although the subarea plan proposes some policy changes in this area, the subarea plan was adopted showing the Bedford Avenue area still within the Subarea 10 Plan's RL policy area. Staff suggests that this area receive special attention during the next Subarea 10 Plan update.

If this rezoning is approved, the OR20 district will further encroach office uses into the residential area. Expansion of the OR20 district should extend no further than parcel 94 along Crestmoor Road until this area can be addressed through a plan update. The Commission approved a large zone change on January 22, 1998 (98Z-016U) from R10 to OR20 for the properties on the west side of Bedford Avenue and from R10 to MUL of the properties along the east side of Bedford Avenue just south of the requested property. That rezoning was deferred indefinitely in Council due to a large public sentiment against the rezoning.

RECENT REZONINGS Yes. The Planning Commission approved a request to rezone all the properties along the western margin of Bedford from R10 to OR20 and the properties along the eastern margin of Bedford Road from R10 to MUL. The Council deferred that request.

TRAFFIC Based on typical uses in OR20 zoning, with on site parking allowing 10,000 sq. ft. of office development per acre or eight apartment units which could be developed with the OR20 zoning, approximately 46 to 53 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's

Findings Approve.

Mr. Frank Ingra spoke in favor of the proposal.

Mr. Michael Birely spoke in opposition to the proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove.

Resolution No. 2002-330

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2002Z-009U-10 is **DISAPPROVED.**” (9-0)

The proposed OR20 district is not consistent with the Subarea 10 Plan's Residential Low (RL) policy. While changing the entire area on the eastern side of Bedford Avenue in a more comprehensive approach would be more appropriate and in keeping with the intent of the Subarea 10 Plan, rezoning only one property at a time would be a piecemeal approach that could negatively impact the surrounding neighborhood.

22. 2002Z-086U-03

Map 70-9, Parcel 19

Subarea 3 (1998)

District 2 (Black)

A request to change from R10 district to ON district property at 2313 Buena Vista Pike, at the intersection of Buena Vista Pike and Mattie Street, (1.07 acres), requested by Delaney Jenkins of Nashville Gas Company, appellants, for Nashville Gas Company, owner.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2002Z-086U-03

Council Bill None

Associated Cases None

Staff Recommendation *Approve. Although ON zoning does not implement the Subarea 3 Plan's residential low medium (RLM) policy, ON zoning allows uses that are compatible with residential areas.*

APPLICANT REQUEST **Rezone 1.07 acres from Residential (R10) to Office Neighborhood (ON).**

Existing Zoning

R6 zoning R10 is intended for single-family homes and duplexes at 3.7 units per acre.

Proposed Zoning

ON zoning ON zoning is intended for neighborhood scale office uses.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM policy is intended for two to four dwelling units per acre.

Policy Conflict Yes. ON district is not consistent with the intent of the Subarea 3 Plan's RLM policy, but the ON district restricts the office uses to those compatible with residential uses. In large residential areas it is within good planning guidelines to allow some opportunities for neighborhood scale retail and office. Currently there are several commercially zoned properties to the west of this property that provide some commercial in this area and the addition of ON district property should not harm the current make up of this neighborhood. Office uses within the ON district are restricted to 2,500 square feet of office development.

RECENT REZONINGS None

TRAFFIC Based on typical uses in ON zoning and the 2,500 sq. ft. of development restriction uses such as medical-dental office and general office, approximately 9 to 28 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer's Findings Approve.

Item # 23

Project No. Zone Change 2002Z-087G-12

Council Bill None

Associated Cases None

Staff Recommendation *Approve with conditions. RS10 is consistent with the RLM policy calling for 2 to 4 dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed or bonded prior to any final subdivision plat recordation:*

No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.

Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.

APPLICANT REQUEST Rezone 7.22 acres from Agricultural (AR2a) to Residential (RS10)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses requiring 2 acres per lot.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family residential at 3.7 dwelling units per acre.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM permits 2 to 4 units per acre.

Policy Conflict None. RS10 zoning is consistent with RLM policy and the emerging zoning pattern in the area. The road infrastructure, however, does not meet current Metro standards and is inadequate to handle the traffic that would be created by development under the RS10 zoning.

RECENT REZONINGS Yes. MPC recommended approval with roadway and access conditions on 3/19/98 (98Z-048G) rezoning adjacent parcel 36 from AR2a to RS10. Council approved the rezoning without the conditions on 5/26/98 (O98-1175).

ROAD NETWORK CONDITIONS Rezoning to RS10 would permit up to 27 single-family dwellings on the site. 27 single-family residences would generate approximately 260 trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Currently, Culbertson Road is substandard in its construction with portions located in the flood plain and subject to regular closing due to flooding. In addition there currently exists no other access to the property from adjacent developments.

Staff recommends no development occur on this property until either Culbertson Road is brought into conformance with adopted Metro roadway standards or alternative access is available thus eliminating the need for Culbertson Road access.

Staff further recommends that should either the Metropolitan Planning Commission or Council recommend that this property be rezoned under the current roadway conditions, such rezoning should be conditioned as follows:

No access allowed onto Culbertson Road until Culbertson Road is improved from Nolensville Pike to Old Hickory Boulevard to the adopted Metro standards for a collector road or its equivalent.

Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.

Traffic Engineer's

Findings Approve. Adjacent to this property is the site of the proposed preliminary plat Sundown Green (2002S-082G-12). The Planning Commission disapproved Sundown Green on 4/25/02. The Metro Traffic Engineer conditioned the plat that the road improvements on Culbertson Road were not required until 25% of the development had been completed. The Traffic Engineer has indicated that the property proposed in this zone change will yield less than 25% of the total of Sundown Green. Therefore, no road improvements will be required for this particular property.

SCHOOLS

Students Generated 5 Elementary 4 Middle 3 High School

Schools Over/Under Capacity Students will attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. Maxwell Elementary, Antioch Middle and Antioch High School have been identified as being overcrowded by the Metro School Board.

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that significant portions of the property contain steep slopes [slopes 20% or greater] and/or areas encompassed by the official floodplain maps, the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards

Subdivision Regulation 2-3 – Suitability of the land

Subdivision Regulation 2-7.5 – Open Space Conservation Easements

Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent . . . Large contiguous areas containing natural slopes in excess of

twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

“For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state . . .” 17.28.040(A)(2) (emphasis added).

Ms. Constance Molette spoke in opposition to the proposal and asked for a deferral to give the Nashville Gas Company an opportunity to meet with the neighborhood.

Mr. Tom Wilson, Nashville Gas, explained the reason for this proposal and asked the Commission for approval today.

Ms. Nielson moved and Mr. Clifton seconded the motion, which carried unanimously, to defer this matter for one meeting.

23. 2002Z-087U-11
Map 181, Parcel 35
Subarea 12 (1997)
District 31 (Knoch)

A request to change from AR2a district to R10 district property at 6057 Culbertson Road, abutting the southern margin of Culbertson Road, (7.22 acres), requested by Eugene T. Collins, appellant/trustee.

Mr. Hardison stated staff recommends approval with conditions.

Project No. Zone Change 2002Z-075G-12

Associated Case None

Council Bill None

Staff Recommendation *Approve with conditions. If a council bill is filed, it should include the following conditions for road improvements to be completed prior to any final subdivision plat recordation: Widening the pavement of Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection, Upgrading the Cane Ridge Road/Preston Road intersection to a 90-degree intersection, Widening Preston Road to Metro standards for a local road (23 feet of pavement) from that intersection to the southern border of parcel 001 on Tax Map 174, and The new development shall tie into the stub street (Hickory Park Drive) to the north.*

APPLICANT REQUEST Rezone 145 acres from Agricultural (AR2a) to Single-family and Multi-family Residential (RS10 and RM15)

Existing Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses with a minimum lot size of two (2) acres.

Proposed Zoning

RS10 zoning RS10 zoning is intended for single-family residential development with a minimum lot size of 10,000 square feet.

RM15 zoning RM15 zoning is intended for moderately high intensity multi-family structures at a density of fifteen (15) units per acre.

SUBAREA 12 PLAN

Policy

Residential Low Medium (RLM) RLM is intended for residential areas with densities between two (2) and four (4) units per acre.

Residential Medium High (RMH) RMH is intended for residential areas with densities between nine (9) and twenty (20) units per acre.

Policy Conflict No. The RS10 district allows 3.7 units per acre, while the RLM policy calls for two (2) to four (4) units per acre. The RS10 district is consistent with the Subarea 12 Plan's RLM policy. The RM15 district allows fifteen (15) units per acre, while the RMH policy is intended for densities between nine (9) and twenty (20) units per acre. The RM15 district is consistent with the Subarea 12 Plan's RMH policy.

TRAFFIC The proposed zone change would permit a total of 695 units, 210 multi-family and 485 single-family. This number of units would create approximately 6,025 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic. In 2001, Cane Ridge Road handled an average of 1,142 vehicle trips per day. Staff feels that due to the increase in traffic that would be generated by this zone change, several traffic-related requirements should be included in any Council bill filed to effect this zone change as conditions to be completed prior to any final subdivision plat recordation. Those conditions are:

Upgrade Cane Ridge Road to Major Street Plan standards (currently U4) from the northern portion of parcel 168 on Tax Map 174 to the Cane Ridge Road/Preston Road intersection. The current intersection of Cane Ridge Road and Preston Road shall be upgraded to allow Preston Road to meet Cane Ridge Road at ninety degrees.

Upgrade Preston Road to Metro standards for a local road (23 feet of pavement) from its intersection with Cane Ridge Road to the southern border of parcel 001 on Tax Map 174. The new development shall tie into the stub street (Hickory Park Drive) to the north. This street ties directly into a signalized intersection at Bell Road. There is also an existing fire station along Hickory Park Drive.

Traffic Engineer's

Findings The Metro Traffic Engineer has indicated that no Traffic Impact Study has been submitted by the applicant, and has provided no recommendation to staff.

SCHOOLS

Students Generated 109 Elementary 77 Middle 63 High Schools

Schools Over/Under Capacity If the property were developed under the proposed zoning, 249 students would be generated. Students would attend Maxwell Elementary, Antioch Middle, and Antioch High School. Maxwell Elementary and Antioch High have not been identified as being overcrowded by the Metro School Board, but Antioch Middle School has been identified as being overcrowded.

NOTE: *The Metro School Board has now identified Maxwell Elementary and Antioch Middle School as overcrowded as of the beginning of the 2002-03 school year.*

FUTURE SUBDIVISION

The Planning Department recommendation for this rezoning addresses only the questions of compliance with adopted land use policy and adequacy of infrastructure, given entitlements associated with the requested zoning district. Any future subdivision requested for this property must meet all of the specific requirements of the Metropolitan Zoning Code and the additional requirements of the Subdivision Regulations. Given that a significant portion of the property contains property encompassed by floodplain, and a portion of the property contains steep slopes [slopes 20% or greater], the following subdivision standards may materially affect the development yield and the form of development on the site.

Zoning Ordinance Section 17.28.030 – Hillside development standards

Zoning Ordinance Section 17.28.040 – Floodplain/floodway Development Standards
Subdivision Regulation 2-3 – Suitability of the land
Subdivision Regulation 2-7.5 – Open Space Conservation Easements
Subdivision Regulation, Appendix C – Critical Lots (Plans and Procedures)

Included among those provisions are the following requirements:

“The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with twenty percent or greater natural slopes.” 17-28-030(A) (emphasis added).

“For lots less than one acre, any natural slopes equal to or greater than twenty-five percent shall be platted outside of the building envelope and preserved to the greatest extent possible in a natural state.” i.e., grading of lots with twenty-five percent slopes to create a buildable lot is not permitted. 17.28.030(A)(1) (emphasis added).

In areas with slopes of twenty percent or greater, subdivisions are encouraged to use the cluster lot option of 17.12.080. “In general, lots so created shall be clustered on those portions of the site that have natural slopes of less than twenty percent Large contiguous areas containing natural slopes in excess of twenty-five percent should be recorded as common open space and permanently maintained in a natural state.” 17.28.030(A)(2) (emphasis added).

“For lots of less than one acre, land area designated as natural floodplain or floodway . . . shall not be used to satisfy minimum lot size requirements of the district if manipulated.” 17.28.040(A)(1) (emphasis added).

Use of the cluster lot option is also encouraged on property containing natural floodplain and floodway areas. “At a minimum, one-half of the natural floodplain area including all of the floodway area shall be designated as common open space and maintained in a natural state” 17.28.040(A)(2) (emphasis added).

Mr. Les Bower expressed concerns regarding access, water runoff, sinkholes, traffic, construction traffic, and the design of the homes.

Chairman Lawson explained that this proposal is a zone change and not a subdivision proposal.

Mr. Eugene Collins, property owner, spoke in favor of the proposal.

Mr. McLean moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing.

Mr. McLean moved and Ms. Nielson seconded the motion, which carried unanimously, to adopt staff recommendation.

Resolution No. 2002-331

“**BE IT RESOLVED** by the Metropolitan Planning Commission that Zone Change 2002Z-087U-11 is **APPROVED**.” (9-0) The following conditions apply:

The proposed R10 district is consistent with the Subarea 12 Plan’s Residential Low Medium (RLM) policy calling for 2 to 4 residential dwelling units per acre. If a council bill is filed it should include the following conditions for road improvements to be completed or bonded prior to any final subdivision plat recordation:

1. *The property shall not be accessed via Culbertson Road by any vehicles, including both vehicles used at any stage during the development process and subsequent vehicular access to homes on the developed property, until Culbertson Road is improved to the adopted Metro standards for a collector road from Old Hickory Boulevard to a collector street within the property that connects to the adjacent residential PUD’s.*

2. Prior to reconstruction of Culbertson Road from Nolensville Pike to Old Hickory Boulevard, any development on the property must gain sole access through the stub streets within the adjacent residential PUD's.

26. 2002Z-090U-07

Map 91-12, Parcels 96, 97, 98, 99, 101, 105, 108,
109, 110, 147, 148, 149 and 151
Subarea 7 (2000)
District 21 (Whitmore)

A request to change from R6 district to IR district properties at 4300, 4301, 4302, 4304, 4306, 4307, 4308, 4309, 4311, 4312 Georgia Avenue, 4300, 4310, 4312, 4314 Delaware Avenue, (2.65 acres), requested by James R. Hunter, appellant/owner.

Mr. Hardison stated staff is recommending disapproval.

Project No. Zone Change 2002Z-090U-07

Council Bill None

Associated Cases None

Staff Recommendation *Disapprove. Although these properties are bordered by an industrial policy area rezoning them to IR at this time is premature. Also, the properties for which rezoning is requested are intermixed with existing residential structures. Until the remaining residential properties are acquired and the infrastructure is improved to accommodate industrial uses, rezoning these properties to IR is premature.*

APPLICANT REQUEST Rezone 2.65 acres from Residential (R6) to Industrial Restrictive (IR)

Existing Zoning

R6 zoning R6 is intended for single-family and duplexes at 6.17 units per acre.

Proposed Zoning

IR zoning IR is intended for a wide range of light manufacturing uses.

SUBAREA 7 PLAN

Policy

Residential Medium (RM) RM policy permits residential dwellings at a density of 2 to 4 units per acre.

Policy Conflict Yes. Although the intent of the Subarea 7 Plan is that this area eventually becomes an industrial area, rezoning at this time is premature. Currently the properties within this request surround several residences. The intent in suggesting that an area become industrialized is that all the properties within the area will be industrial. Until all the properties between Georgia Avenue and Delaware Avenue from 43rd Avenue North to 44th Avenue North are ready for rezoning and the appropriate measures have been taken to protect the adjacent residential area this zone change should be denied. Further, the Subarea 7 Plan states “changes to the area’s road system that will separate the industrial and residential areas. The creation of a landscape buffer between the two areas is also recommended.” (Subarea 7 Plan, p. 104)

RECENT REZONINGS No

TRAFFIC Based on typical uses in IR zoning such as general light industrial, industrial park, and manufacturing, with on site parking allowing 10,000 sq. ft. of industrial development per acre, approximately 125 to 228 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Metro Traffic Engineer’s

Findings Currently 43rd Avenue North and 44th Avenue North are local roads with 46 feet right-of-way. If the IR zoning is approved these roads will have to be improved to commercial standards with 49 feet of pavement width and 72 feet of right-of-way.

Ms. Emma Forte spoke in opposition to the proposal and stated single family homes should be built on these lots.

Ms. Leanne Steff, representing James Hunter, spoke in favor of the proposal, and stated this would increase tax revenue and job opportunities for West Nashville.

Mr. Michael Birley spoke in opposition to the proposal and stated that no one in the area wants more industrial zoning.

Mr. Gerald Garrett stated his father owns property on Delaware and Georgia Avenue. The applicant for this proposal rented these homes and that the renters had brought in hazardous waste and contaminated the property.

Councilmember Summers moved to disapprove and stated he wanted to make a strong statement regarding industrial in this neighborhood.

Mr. McLean stated that if this were allowed to happen it would deteriorate the neighborhood.

Councilmember Summers moved and Mr. Clifton seconded the motion, which carried unanimously, to close the public hearing and disapprove.

Resolution No. 2002-332

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change 2002Z-090U-07 is **DISAPPROVED.**” (9-0)

The proposed IR district is not consistent with the Residential Medium (RM) policy calling for 4 to 9 residential dwelling units per acre. Although these properties are bordered by an industrial policy area, rezoning them to IR at this time is premature. Also, the properties for which rezoning is requested are intermixed with existing residential structures and residentially zoned property. Until the remaining residential properties are acquired or made part of a rezoning proposal, and the infrastructure is improved to accommodate industrial uses, rezoning these properties to IR is premature.

PRELIMIINARY PLAT SUBDIVISIONS

28. 2002S-229G-14
WINDSTAR ESTATES
Map 43, Part of Parcels 7 and 8
Subarea 14 (1996)
District 11 (Brown)

A request for preliminary plat approval for 83 lots abutting the southwest margin of Swinging Bridge Road and the northwest corner of Warren Drive and Keeton Avenue, (30.4 acres), classified within the R10 and R15 districts, requested by Gene H. Scott, Jr., owner, Charlie Rhoten, developer, Burns and Associates, Inc., surveyor.

Chairman Lawson stated this item has been requested for deferral for two meetings and asked if there was anyone present to speak at the public hearing.

There were people present to speak.

Chairman Lawson asked staff to continue with the presentation.

Mr. Jones stated staff recommends conditional approval.

Project No. Subdivision 2002S-229G-14

Project Name Windstar Estates

Associated Cases None

Staff Recommendation *Approve with conditions. Please see conditions at the end of this staff report.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 38.28 acres into 85 lots using the cluster lot option, at a proposed density of 2.2 units per acre.

ZONING **R15 district requiring minimum lot size of 15,000 sq. ft. and R10 district requiring minimum lot size of 10,000 sq. ft.**

CLUSTER LOT Applicant proposes to reduce lots by two base zoning districts, from R15 (minimum 15,000 sq. ft. lot) to R8 (minimum 8,000 sq. ft. lot) and from R10 (minimum 10,000 sq. ft. lot) to R6 (minimum 6,000 sq. ft. lot). The proposed lots range in size from 7,500 sq. ft. to nearly 15,000 sq. ft.

Lot Size Reduction Several of the lots containing R15 zoning have less than the required 8,000 square feet. A revised preliminary plat must be submitted within two weeks of Planning Commission approval that shows all lots containing a portion of R15 zoning with at least 8,000 square feet.

Perimeter Lots The Cluster Lot Option within the Zoning Code requires that the minimum size of perimeter lots oriented towards an existing street shall be at least 90% of the minimum lot size required by the base zoning of the property. Lots 9, 10, 84, and 85 are perimeter lots oriented towards existing streets, but they do not contain at least 90% of the lot area required by the base zoning. A revised preliminary plat must be submitted within two weeks of Planning Commission approval that provides perimeter lots containing at least ninety percent of the required lot size.

Double-Frontage Lots Proposed lots 9 and 10 are double-frontage lots. Double-frontage lots are lots containing front and rear frontage on a public street. The Cluster Lot Option within the Zoning Code allows double-frontage lots oriented to an internal street to be reduced in size the equivalent of one zoning district provided that a standard "C" landscape buffer yard is provided within common open space along the existing street, or lots may be reduced in size the equivalent of two zoning districts with the installation of a standard "D" buffer yard.

Lots 5-10 could be reconfigured in order to eliminate perimeter double-frontage lots. A revised preliminary plat shall be submitted within two weeks of Planning Commission approval that reconfigures the lots in order to provide frontage on a single street.

Landscape Buffer yards The Cluster Lot Option within the Zoning Code allows perimeter lots abutting a conventional subdivision to be reduced in size the equivalent of one zoning district with the installation of a standard "B" landscape buffer yard, or perimeter lots may be reduced in size the equivalent of two zoning districts with the installation of a standard "C" landscape buffer yard.

The proposed plat does not provide landscape buffer yards for perimeter lots. A revised preliminary plat shall be submitted within two weeks of Planning Commission approval that shows a standard "C" landscape buffer yard between the abutting property line and lots 55, 56, 74, and 75, as well as a standard "B" landscape buffer yard between the abutting property line and lots 1, 2, 3, 7, 8, and 9.

SUBDIVISION DETAILS

Floodplain The majority of this property lies within the floodplain of the Cumberland River. The Zoning Code encourages subdivisions containing natural floodplain and floodway areas to employ the Cluster Lot Option. The Cluster Lot Option allows the clustering of lots within the manipulated areas of the natural floodplain with the condition that at least, “one-half of the natural floodplain area including all of the floodway area shall be dedicated as common open space and maintained in a natural state, with the clearing of trees and brush exceeding eight inches in diameter prohibited” (17.28.040A2). The Code further states that the purpose and intent of this provision is “to offer incentives to minimize environmental disturbance,” and to “promote low-impact development in ... areas of special flood hazard of the community through incentives to preserve this land in an undeveloped state...” (17.28.010)

The proposed subdivision dedicates one-half of the natural floodplain area as common open space, but additional land area may need to be added to the plat in order to insure that at least one-half of the natural floodplain area remains in a natural state, and is not graded or otherwise disturbed in order to lift the area to be built upon out of the floodplain. A revised preliminary plat shall be submitted within two weeks of Planning Commission approval that clearly shows one-half of the natural floodplain area dedicated as common open space and preserved in a natural, undeveloped state. Additional floodplain area beyond the one-half to be maintained in a natural state should be labeled as “area to be graded.”

Seventy-three of the eighty-five proposed lots contain natural floodplain. The Zoning Code requires any lot containing natural floodplain to be designated as a “critical lot.” The Subdivision Regulations require a star symbol (*) to be used to identify critical lots on the face of both the preliminary and final plats. The proposed plat currently does not identify critical lots. A revised preliminary plat showing all lots containing natural floodplain as “critical lots,” shall be submitted within two weeks of Planning Commission approval. Minimum finished floor elevations will be established on the final plat for all critical lots.

Sinkholes The property contains several large depressions that may be sinkholes. The Stormwater Division of the Water Services Department has indicated that a geotechnical study indicating the location and extent of sinkholes shall be submitted prior to grading plan approval. The final lot count and layout may be affected by the findings of the geotechnical study.

Blue-Line Stream and Ponds The proposed plat preserves an existing blue-line stream and a series of ponds in the northern portion of the site. A twenty-five-foot-wide buffer is shown from the top of bank of the blue-line stream. The stream and ponds are located within common open space

TRAFFIC ENGINEER’S

FINDINGS Access to the development is proposed at the intersection of existing Warren Drive and Keeton Avenue. Public Works has indicated that a traffic device such as a roundabout may be necessary in order to provide an acceptable intersection at this point. The plat shows a “Divided Roadway Entrance” at the intersection. Staff believes such a device is appropriate in this location, but Public Works will have to approve the entrance prior to final plat approval.

Warren Drive and Keeton Avenue both contain fifty feet of right-of-way, but the streets are currently not built to Public Works standards. Warren Drive and Keeton Avenue along the property’s frontage shall be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation.

The plat proposes a street connection to the property to the north as well as two stub-out streets for future development to the west.

SUBDIVISION VARIANCES None

CONDITIONS

No grading permit issued prior to final plat approval;

A geotechnical study indicating the location and extent of sinkholes must be submitted to the Stormwater Division of Water Services with grading plans prior to grading plan approval;
Grading plans will be approved by the Stormwater Division based on care taken to minimize environmental disturbance and measures designed to prevent increased stormwater runoff onto adjacent properties;

The final plat must demonstrate that at least one-half of the natural floodplain is designated as common open space and maintained in a natural, undeveloped state;

Warren Drive and Keeton Avenue along the property's frontage must be bonded for or upgraded to Public Works standards for a local street containing 50 feet of right-of-way prior to final plat recordation; and Public Works must approve the proposed "Divided Roadway Entrance" prior to final plat approval.

A revised preliminary plat shall be submitted within two (2) weeks of Planning Commission approval that shows:

All lots containing natural floodplain designated as "critical lots," and minimum finished floor elevations must be shown for these lots on the final plat;

All lots located within a portion of the R15 zone district must contain at least 8,000 square feet;

A standard "C" landscape buffer yard must be shown between the abutting property line and lots 55, 56, 74, and 75;

A standard "B" landscape buffer yard must be shown between the abutting property line and lots 1, 2, 3, 7, 8, and 9;

Lots 5-10 should be re-configured in order to allow lots 9 and 10 to have frontage on a single road; and Lots 9, 10, 84, and 85 shall be at least ninety percent (90%) of the minimum size required by the base zoning.

Mr. Charlie Rhoten stated he is willing to work with staff to make this work, but doesn't want anything that the Commission doesn't want.

Mr. Gene Scott spoke in favor of the proposal.

Mr. Mike Burns, surveyor, stated that Councilmember Brown would be the only one to be effected by the stormwater.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and defer for two meetings.

Ms. Harriet White spoke regarding item 21.

Chairman Lawson stated that item was approved on the consent agenda.

FINAL PLAT SUBDIVISIONS

29. 2001S-141U-04
COATS INDUSTRIAL PARK
Map 60-4, Parcel 18
Subarea 5 (1994)
District 4 (Majors)

A request to revise the preliminary plat to remove one lot and final plat approval, subject to a variance for sidewalks, to create six lots abutting the west margin of Dickerson Pike, opposite Maplewood Lane, (14.09 acres), classified within the CS district, requested by William M. Coats, owner/developer, Dale and Associates, Inc., surveyor.

Mr. Mitchell stated Mr. Dale has requested a 2 week deferral on this item.

Project No. Subdivision 2001S-141U-04

Project Name Coats Industrial Subdivision

Associated Cases None

Staff Recommendation *Approve with conditions subject to a subdivision variance for sidewalks along Dickerson Pike and a revised plat prior to recordation.*

APPLICANT REQUEST

Preliminary Plat Revise Preliminary & Final Plat Final Plat

Subdivide a 14-acre tract into a 6-lot industrial subdivision, with lots ranging in size from 0.6 acres to 5.8 acres and located on the west side of Dickerson Pike south of Briley Parkway.

ZONING CS district, which provides for a diverse range of commercial uses that include retail trade and consumer services, auto sales and repair, small-scale custom assembly, restaurants, entertainment and amusement establishments, and financial and administrative services.

SUBAREA 4 POLICY This subdivision falls within the Subarea 5 Policy’s Retail Concentration Community (RCC) policy stating that it is recognized that this is a prime location for commercial development, and since this area is near the I-65 / Dickerson Pike interchange and abuts CMC policy, the potential exists for highway-oriented land uses to locate here.

SUBDIVISION DETAILS Proposal is consistent with the preliminary subdivision plat, approved by the Metro Planning Commission on May 10, 2001, which created a 7-lot industrial subdivision with lot sizes ranging from 0.7 acres to 4.8 acres.

As a condition of approval for the preliminary subdivision plat, the applicant was required to coordinate with the Tennessee Department of Transportation (TDOT) and Metro Public Works and then provide for the installation of new traffic signals at the intersection of Dickerson Pike, West Maplewood Lane, and Maplewood Lane.

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) Applicant is requesting a variance for the installation of sidewalks along Dickerson Pike. Since the applicant is creating a permanent dead-end roadway – West Maplewood Lane – sidewalks will be placed within this right-of-way and the request to vary from the sidewalk requirement along Dickerson Pike does not include West Maplewood Lane.

Metro Public Works Department conducted an analysis of the existing roadway and the request to vary from the sidewalk requirement. As stated in the report, this property lies along the west margin of Dickerson Pike. The road at this location has five lanes of pavement, no shoulder, and an open ditch. The ditch appears to be steep and is overgrown. There are no adjacent sidewalks. This stretch of Dickerson Pike is a state route; therefore, any alteration of the roadway, including curbs, sidewalks, and driveway connections will require additional coordination and approval by the Tennessee Department of Transportation. The applicant will be responsible for securing state approvals.

The applicant coordinated with TDOT and the following statement was provided: “Due to the nature of this industrial development and no adjacent residential development or sidewalks within one mile, TDOT will not require sidewalks on the state route fronting the Coats Industrial Park Development.”

Recommendation Staff recommends approval of the requested subdivision variance to not place sidewalks along Dickerson Pike based upon the following information:

TDOT is not actively seeking sidewalks along this section of state roadway due to the lack of residential development and lack of actual sidewalks within close proximity.

This roadway is designated on the Major Street Plan as a 4-lane major arterial – of which this designation has been achieved.

The ditch section fronting the subject site is such that a significant amount of fill would be required to bring the sidewalk, curb, and gutter even with the current level of the roadway.

Staff recommends the preservation of an existing stone wall that would be destroyed upon the installation of the sidewalk.

TRAFFIC ENGINEER'S FINDINGS Approval

CONDITIONS Staff recommends conditional approval of this plat subject to a subdivision variance for sidewalks along Dickerson Pike and a revised plat being submitted prior to recordation:

Add the following note to plat: "Access to lots 1 and 2 shall be limited to west Maplewood Drive, and lots 3 and 4 shall share a 36-foot wide access unless otherwise approved by Metro Public Works and the Metro Planning Commission."

Add the following note to plat: "Existing stone wall along Dickerson Pike shall be preserved in perpetuity."

A 2-foot reservation of right-of-way must be established along the entire frontage of Dickerson Pike and shown on the plat.

Sidewalks, proposed in accordance with current Metro Public Works design criteria, need to be placed on the plat along both sides of West Maplewood Lane.

Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Councilmember Summers moved and Mr. Clifton seconded the motion, which carried unanimously, to defer this item for one meeting.

30. 2002S-192U-03
RICHARDS SUBDIVISION
Map 80-4, Parcel 2
Subarea 3 (1998)
District 2 (Black)

A request for final plat approval to subdivide one parcel into two lots abutting the southeast margin of Ashton Avenue, approximately 1,030 feet southwest of Hydes Ferry Road, (.68 acres), classified within the RS10 district, requested by Gus Richards, Jr., owner/developer, Michael R. Williams, surveyor.

Mr. Hardison stated staff recommends approval.

Project No. Subdivision 2002S-192U-03

Project Name Richards Subdivision

Associated Cases None

Staff Recommendation *Approve with conditions subject to a variance for sidewalks along Ashton Avenue and demolition of the existing structure on lots 1 and 2.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 0.68 acres into two lots.

ZONING **RS10 district requiring a minimum lot size of 10,000 square feet.**

EXISTING CONDITIONS Currently there is a mobile home on the property that is proposed to be demolished. Demolition of this mobile home will have to be completed or bonded prior to recordation of the final plat.

SUBDIVISION VARIANCES

Sidewalks

(Section 2-6.1) A sidewalk is required along the frontage of lots 1 and 2 on Ashton Avenue. Currently there are no sidewalks along either side of Ashton Avenue. The applicant has requested a variance due to absences of sidewalks in this area and the amount of roadwork that would be required by Public Works standards to construct sidewalks in this location.

Metro Public Works Findings Ashton Avenue at this location has 20 feet of pavement and no shoulder. There is a medium drainage ditch along the roadway. Ashton Avenue will require widening of 1.5 feet along the 130-foot frontage of lots 1 and 2 to meet the minimum Metro Standard ST-251. Curb and gutter is also required along with drainage improvements (piping the open ditch).

Recommendation Approve. A section of sidewalk 130 feet in length will require major reconstruction of the roadway by the required widening and construction of the curb and gutter system for a relatively short section of sidewalk, which is inconsistent with good planning and design

TRAFFIC ENGINEER'S

FINDINGS Approve.

Ms. Nielson moved and Mr. McLean seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-333

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-192U-03, is **APPROVED WITH CONDITIONS AND SUBJECT TO VARIANCE (9-0)**.

Staff recommends approval of the final plat subject to the following conditions:

1. A variance for the construction of sidewalks along the frontage of lots 1 and 2 on Ashton Avenue.
2. Demolition of the structure located on lots 1 and 2 before recordation.”

31. 2002S-224A-12
GREENWOOD HILLS ADDITION, Section 2, Lot 132
Map 133-12, Parcel 299
Subarea 12 (1997)
District 27 (Sontany)

A request to amend the setback line on Jasmin Drive from 30 feet to 18 feet on a lot abutting the southwest corner of Jessie Drive and Jasmin Drive, (.24 acres), classified within the R10 district, requested by Larry M. and Alice J. Wherry, owners/developers.

Ms. Fuller stated staff recommends disapproval.

Project No. Subdivision 2002S-224A-12
Project Name Greenwood Hills Addition, Section 2,
Lot 132

Associated Cases None
Staff Recommendation *Disapprove.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Reduce the setback on Jasmin Drive from 30 feet to 18 feet. The subject property is located at the corner of Jessie Drive and Jasmin Drive. The dwelling unit fronts on Jessie Drive.

ZONING R10 district requiring minimum lot size of 10,000 sq. ft.

SUBDIVISION DETAILS The final plat of Greenwood Hills Addition, Section 2 was recorded in 1978 with minimum building setback lines of 30-feet on both Jasmin Drive and Jessie Drive. The front of the house faces Jessie Drive. Both Jasmin Drive and Jessie Drive are classified as local streets.

Section 17.12.030.C.3 of the Zoning Ordinance applies to this request. In residential areas with an established development pattern and when the subject lot abuts a side street, the value provided in Table 17.12.030A (street setbacks) shall be used for the setback on that side. The setback provided in Table 17.12.030A for an R10 zoned property abutting a local street is 20 feet. Therefore, this request is 2 feet short.

It appears that Section 17.12.030.C.2 of the Zoning Ordinance also could be applied to this request. That section states that a corner residential lot created prior to effective date of the ordinance (1998) may reduce the required setback of Table 17.12.030A by 50 percent along that street running parallel with the side of the structure. This would allow the setback to be reduced to 10 feet (assuming that any public utilities having easements in the setback agree to the reduction).

Staff recommends, however, that Section 17.12.030.C.3 be applied in this instance to protect the established setback pattern on Jasmin Drive.

Councilmember Janis Sontany requested the Commission to grant this variance.

Mr. Larry Wherry presented a petition to the Commission and stated the neighbors that had signed it were not in opposition.

Councilmember Summers moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and approve the following resolution:

Resolution No. 2002-334

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-224A-12, is **APPROVED (9-0).**”

PLANNED UNIT DEVELOPMENTS (revisions)

33. 74-79-G-13
Nashboro Village (Fairway Villas)
Map 135, Part of Parcel 323
Subarea 13 (1996)
District 28 (Alexander)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Nashboro Boulevard, east of Flintlock Court, classified within the R10 district, (2.42 acres), to permit 24 multi-family units with lots, requested by McKinney Engineering, for WDN Properties LTD., owner.

Mr. Mitchell stated this was pulled from the consent agenda, but the questions have been answered.

Project No. Planned Unit Development 74-79-G-13
Project Name Nashboro Village Residential PUD, Tract 16
Council Bill None
Associated Case None
Staff Recommendation *Approve with Conditions.*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD**

Permit the development of 24 townhouses on the 2.4-acre site along the south margin of Nashboro Boulevard.

PLAN DETAILS Proposal is consistent with the preliminary PUD plan approved by the Metro Council on July 20, 1979 and revised in 1983. The tract 16 plan provides 67 parking spaces and provides one point of access onto the clubhouse private drive.

Proposed density for tract 16 is 9.92 units per acre, while density for the entire PUD currently remains at around 6.7 units per acre. Density calculations are consistent with the Subarea 13 Plan’s Residential Medium (RM) policy calling for 4 to 9 dwelling units per acre.

TRAFFIC ENGINEER’S FINDINGS Approve

CONDITIONS

Prior to the Planning Commission meeting, a revised plan needs to be submitted to the Planning Department with the following revisions:

Delineate the minimum number of required handicap parking spaces on the plan.

Remove a minimum of 10 feet of pavement from the end of the parking area that abuts Nashboro Boulevard.

Prior to the Planning Commission meeting, a final landscape plan needs to be submitted to the Planning Department, providing necessary calculations that demonstrate compliance with tree density requirements and minimum landscape requirements.

Resolution No. 2002-305

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 74-79-G-13 is given **CONDITIONAL APPROVAL (9-0)**. The following conditions apply:

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works and Water Services.
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 prior to the issuance of any building permits.
4. Sidewalks must be constructed on Nashboro Boulevard and the private country club drive with the recording of the final plat.

5. Development must occur in accordance with the Fairway Villas, Nashboro Village – Tract 16 Plan, as prepared by McKinney Engineering, last revised August 16, 2002, and in accordance with the Landscape Plan for Nashboro Village – Tract 16 – Fairway Villas, as prepared by Linkinhoker Land Architecture, Job No. 10208831, dated August 12, 2002.

6. 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.

7. 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.”

OTHER BUSINESS

40. Legislative Update

Mr. Lawrence updated the Commission regarding the Results Matter process being sponsored by the Finance Department.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 6:20 p.m.

Chairman

Secretary

Minute Approval: this 12th day of September 2002



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