



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

August 26, 2004

PLANNING COMMISSION

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

Staff Present:

Richard Bernhardt, Executive Director
Ann Hammond, Asst. Director
Margaret Holleman, Legal Counsel
David Kleinfelter, Planning Manager II
Trish Brooks, Administrative Assistant
Kathryn Fuller, Planner II
Adrian Harris, Planner I
Bob Leeman, Planner III
Preston Mitchell, Planner II
Chris Wooton, Planning Tech

Commission Members Absent:

Ann Neilson

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #33 – 235-84-G-04 contained a correction. The number of units contained in the report should be 26, as opposed to 46.

Ms. Hammond also announced that there was an addendum to the agenda which is Item #40 – Set September 23, 2004, public hearing for proposed Amendments to Subdivision Regulations regarding sidewalk provisions.

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously to approve the agenda as presented. **(8-0)**

III. APPROVAL OF AUGUST 12, 2004 MINUTES

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve the minutes of August 12, 2004. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Bradley spoke regarding Item #24 – 2004Z-112U-13. He expressed concerns regarding the impact this development may have on the intersection of Mt. View and Hamilton Church Roads.

Doug Small arrived at 4:08

Council Lady Tucker spoke regarding Items #26, 27, 28 (2004Z-115G-02, 2004Z-113G-02, 88P-056G-02) and #3 (2004S-206G-02). She mentioned that there have been community meetings held to discuss the proposal pertaining to Mulberry Downs and that the Commissioners would be hearing some of the issues the Community members have pertaining to this development. Council Lady Tucker also addressed the Commission regarding Item #3. She asked that adjustments be made to address the issues pertaining to traffic and site distances on Bell Grimes Road in relation to this development.

Councilmember Foster spoke in favor of Item #6 – 58-85-P-12.

Councilmember Tygard spoke in favor of Item #7 – 2004M-064G-06. He also spoke regarding Item #12 – 2004Z-106U-06 – he commented he would address the Commission if this item was removed from the Consent Agenda.

Councilmember Whitmore spoke in favor of Item #8 – 2004Z-099U-08. He stated that this zone change would allow many improvements to this particular area of his district.

Councilmember Toler spoke in favor of Item #25 – 2004Z-114G-12 which was on consent.

Councilmember Shulman spoke in favor of Item #4 – 2004S-235U-10.

V. PUBLIC HEARING ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

5. 2004S-219U-10 Henry Sperry Subdivision, Second Resubivison of Lot 1 – Deferred indefinitely at the request of the applicant
14. 2004Z-108U Historic Landmark Overlay District – Sunnyside at Sevier Park – Deferred to September 9, 2004 at the request of the applicant
18. 2004Z-108U Historic Landmark Overlay District – Fort Negley – Deferred indefinitely at the request of the applicant
22. 2004Z-109G-12 Change from AR2a to SCC district at Nolensville Pike south of Burkitt Road – Deferred to September 23, 2004 at the request of the applicant
31. 97S-014U-03 Forest Vale Subdivision – Deferred indefinitely at the request of the applicant
37. Contract for Cheryl Hunter-Grah for Professional Planning Services – Withdrawn

Mr. Small moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items. (9-0)

VI. PUBLIC HEARING CONSENT AGENDA

2. 2004Z-018T Text Amendment to require Council approval to waive payment of fees for zoning applications – Approve staff recommendation
4. 2004S-235U-10 Preliminary Plat approval to subdivision one lot into two located on the south side of Castleman Drive, west of Hood Avenue – Approve with conditions including a sidewalk variance.

PREVIOUSLY DEFERRED ITEMS

6. 58-85-P-12 Rucker Landing PUD-revised preliminary and approve Final PUD, located along Edmondson Pike- Approve w/conditions
7. 2004M-064G-06 Accept and record easement for Harpeth River Greenway - Approve

ZONING MAP AMENDMENTS

9. 2004Z-103U-10 Change from RM20 to R8 district property located along Beech, S. Douglas, Elliott, and Glen Ave. - Approve
10. 2004Z-104U-13 Change from AR2a to RM20 district property located at 1411 and 1421 Rural Hill Road - Approve
13. 2004Z-107U-14 Change from RS10 to ON district property located at 609 McGavock Pike – Approve
14. 2004Z-108U To apply the Historic Landmark Overlay District to the following:
 - City Cemetery, 4th Ave., South
 - Omohundro Water System 1400 Pumping Station Rd. and 546 Cave Rd
 - City Reservoir, 1401 8th Avenue South
 - Lindsley Hall at 730 2nd Avenue South

- Shelby Street Bridge, between the Gateway and Woodland St. Bridges
- Trolley Barns on Rolling Mill Hill, 33 Peabody St. -Approve
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23. 2004Z-110U-08 Change from R6 to MUN district property located at 600 Garfield Street and 1707 6th Ave., North - Approve

25. 2004Z-114G-12 Change from AR2a to CL district property located at 10638 Concord Road - Approve

PRELIMINARY SUBDIVISION PLATS

29. 2004S-241G-12 Burning Bush – Request to create 248 lots abutting the southeast corner of Old Franklin Road and Cane Ridge Road - Approve w/conditions

30. 2003S-304U-03 Perry Subdivision - Request to create 7 located on Walker Lane - Approve w/conditions

FINAL PLATS

32. 2004S-133U-03 Dylan Downs – Request to create 2 lots located on Yokley Road - Approve w/sidewalk variance

PLANNED UNIT DEVELOPMENTS

33. 235-84-G-04 Harbor Village Phase 3 PUD – revised preliminary and approval Final PUD, located on Edenwold Road - Approve w/conditions

34. 310-84-G-03 I-24/Old Hickory Boulevard PUD – Request to cancel a portion of a commercial PUD, located at Route 1 Old Hickory Boulevard west of I-24 -Approve

35. 2003P-002G-06 Cobblestone Creek Phase 1a – Final PUD located abutting the north side of Old Hickory Boulevard - Approve w/conditions

OTHER BUSINESS

36. Update Employee contract for David Kline -Approve

37. Contract for Cheryl Hunter-Grah for Professional Planning Services -Approve

40. Set September 23, 2004, public hearing for proposed amendments to Subdivision Regulations regarding sidewalk provisions.

Mr. McLean moved and Mr. Small seconded the motion, which passed unanimously, to approve the consent agenda as presented. (9-0)

VII. PUBLIC HEARING PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS

1. **2004Z-009T**
2004Z-017T
 Council Bill No. BL2004-237

A request to change the text of the Zoning Ordinance (Section 17.28.040) limiting housing development in floodplains and floodways, requested by Councilmember Feller Brown and Councilmember Harold White. (Deferred from meeting of June 24, 2004).

Staff Recommendation - Disapprove existing proposed bill(2004Z-009T); **Approve** proposed substitute bill along with housekeeping bill (2004Z-017T).

Note: A community discussion will occur at the Main Library downtown on Monday, August 30, 2004 on the proposed substitute and housekeeping bills.

APPLICANT REQUEST - Amend Zoning Code to limit residential development in floodplains and floodways. Clarify and cross-reference sections relative to floodplain development standards. This staff report has been divided into several analysis sections: Existing Law, Proposed Text, Options, and Staff Recommendation.

OPTIONS - There are several options the Planning Commission may wish to consider in evaluating this proposed bill. The options listed below will be discussed in greater detail at the end of this report:

Option A: Recommend approval of the bill “as is”.

Option B: The Commission may want to request the bill sponsor hold some community meetings concerning the bill with developers, affected property owners, affected councilmembers, and neighborhood groups to receive feedback on it.

Option C: The Commission may want to consider a substitute bill submitted to staff that the sponsor intends to file with the Metropolitan Clerk.

Option D: Any combination of options A, B, and/or C.

ANALYSIS

Existing Law - Currently, residential development is permitted in floodplain areas. Property owners are required to preserve 50% of the natural floodplain, and the remaining 50% is eligible for development. Example: 100 acres of land of which 50 acres is in the floodplain. Presently, the property owner would be required to preserve 25 acres, with the remaining 25 acres eligible for development. Developers may voluntarily select to do a cluster-lot subdivision which allows a transfer of density on the preserved floodplain to other developable portions of the property. The resulting transfer gives a perceived bump in density because the preserved floodplain area is counted as if it can be developed, when in fact it cannot be.

Proposed Text Change - This council bill, as filed, proposes to prohibit residential development on portions of property encumbered by floodway or floodplain in all zoning districts, except in limited situations such as AG, AR2a, R/RS80, and R/RS40. It would also make unavailable the residential cluster-lot option for parts of properties encumbered by floodplain. Bill would affect several thousand properties in Davidson County.

See table below comparing text of existing Zoning Code to council bill to proposed substitute council bill. The housekeeping bill merely provides cross-referencing and clarification to other sections of Zoning Code in light of the substitute bill.

CURRENT ZONING CODE	BILL FILED	PROPOSED SUBSTITUTE BILL
Preserve 100% of the floodway area.	No change.	No change.
Preserve 50% of the floodplain area.	No change.	No change.
Permit development within the remaining 50% of the floodplain area.	No change.	No change.
Permit limited encroachments into the preserved natural floodplain no greater than 20% of the floodplain area.	No change.	Same as "Existing". In addition, for residential lots---in lieu of the twenty percent maximum, an applicant may request a variance to permit up to five residential (5) lots to encroach, in whole or in part, into the preserved natural floodplain provided each lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot, however, no lot shall exceed five (5) acres in size.
Residential lot size controlled by base zoning or cluster-lot provisions.	Permit single-family and two-family dwellings only in the AG, AR2a, R/RS80, and R/RS40 districts.	Require all lots within any floodplain area to be equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot.**
Permit cluster-lot developments within floodplain areas.	Prohibit cluster-lot developments.	Prohibit cluster-lot developments.
No exceptions to floodplain/floodway standards.	No change.	Permit exceptions to standards if a PUD or UDO is submitted to the Planning Commission and approved by the Metro Council. Permit transfer of residential density from floodplain area at rate equal to that described above**.

OPTIONS

Option A - Adopt "As Is". If the Commission were to recommend approval of the bill "as is", the amendments would not be administratively workable in their present form. In addition, the bill appears to have some unintended consequences.

- It appears to increase density in the AR2a, AG, and R/RS80 districts by requiring a minimum lot size of 1 acre; however, these districts require a 1.8-acre, 2-acre or 5-acre minimum lot size, respectively.
- It appears to decrease density in the R/RS40 district by requiring a 1-acre minimum lot size where only 40,000 square feet is required presently.
- It appears to modify two-family dwellings in the AG and AR2a districts by permitting them by right; currently, they are permitted with conditions (PC).
- It may potentially decrease Metro's future efforts to complete the greenway network. Developers who voluntarily select the cluster-lot option that allows transfer of density off of the floodplain often record either a dedication of land, or an easement on their property, for greenway purposes.
- It does not modify Section 17.36.060 concerning PUDs. Without modifying it, cluster-lot PUDs would be permitted for floodplain properties since where a conflict in standards exists between the PUD provisions and other sections of the Zoning Code, the PUD provisions prevail.

Option B - Community Input. After receiving the staff recommendation on June 24, 2004, the sponsor has scheduled a community meeting on Monday, August 30, 2004, to be held at the Main Library downtown at 6:00 p.m. This meeting is open to the public to receive feedback on the proposed legislation.

Option C - Substitute Bill. The Commission may want to consider a draft substitute bill which the sponsor provided staff. This substitute bill addresses most issues raised in Option A above. Given the original bill captioned limited changes to Section 17.28.040, a second draft bill was submitted by the sponsor to staff to address the housekeeping items related to clarification and cross-referencing in the Zoning Code. See attached bills.

Option D - Combination. The Commission may want to combine one or more of the options above in its recommendation to the Metro Council.

Staff Recommendation - Disapproval. The council bill as filed, Option A, does not adequately address the various Zoning Code sections that pertain to the review and approval of development within the floodway/floodplain. In its present form, the proposed amendments are not administratively workable.

Approve the proposed substitute and housekeeping bills, and request the sponsor refer bills back to the Planning Commission after 2nd Reading, if any significant issues arise from community meeting to be held on Monday, August 30, 2004 at 6:00 p.m. in the Main Library.

SUBSTITUTE ORDINANCE NO. BL2004-237

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.28.040 by limiting housing development in floodplains and floodways, all of which is more particularly described herein (Proposal No. 2004Z-009T).

WHEREAS, Substitute Ordinance BL2002-2021 was adopted by the Metropolitan Council and became effective on April 5, 2003;

WHEREAS, development within the floodplain may occur provided development does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County nor the Metropolitan Government of Nashville and Davidson County's eligibility for federal or state-funded flood insurance or other forms of disaster relief.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.28.040, subsections A, B, and F, "Floodplain/Floodway Development Standards", by **modifying** text as follows:

- A. Preserved Floodplain. ~~Except as noted below, a~~All development proposed on property that is not developed, as defined herein, encumbered by natural floodplain or floodway, as of April 5, 2003 ~~the effective date of this ordinance~~, shall leave a minimum of fifty percent of the natural floodplain area, including all of the floodway area, or all of the floodway area plus fifty feet on each side of the waterway, whichever is greater, undisturbed and in its original, natural state. The preserved floodplain shall be adjacent to the floodway or, as otherwise approved by the zoning administrator or by the metropolitan planning commission if the property is the subject of a subdivision or rezoning application. The clearing of trees and brush within the undisturbed area shall be prohibited. For purposes of this subsection, a portion of a lot shall be deemed to be developed if a grading or building permit has been issued or, if a portion of the lot has been disturbed by grading or, if a portion of the lot is improved with any material that substantially reduces or prevents the infiltration of stormwater by the total horizontal area of the lot including, but not limited to, roofs, streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay. Evidence that a portion of the property is developed shall include grading or building permits and/or aerial photographs. Absent grading or building permits, a lot shall not be deemed developed under this section if the use of the property was for agricultural activities.
- B. Limited encroachments into the preserved natural floodplain may be authorized as a variance by the Board of Zoning Appeals following a written recommendation from the Stormwater Management Committee, as provided in Chapter 17.40, Article VIII of this title and Stormwater Management Committee, as set forth in Section 15.64 of the Metropolitan Code of Laws. Such variances shall be approved only if the ~~Committee~~ Board of Zoning Appeals finds that the encroachment reduces the flood danger or would improve and enhance the environmental quality of the affected floodplain section. Of the fifty percent of the natural floodplain area required to be preserved, variances shall not be approved for greater than twenty percent of this the floodplain area, except for residential lots, in lieu of the twenty percent maximum, an applicant may request a variance to permit up to five (5) lots to encroach, in whole or in part, provided each lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest

lot, however, no lot shall exceed five (5) acres required to be preserved. See Table 17.20.040.A for encroachment examples.

Table 17.28.040.A: Encroachment Examples

Total site acreage	100 acres	45 acres	13 acres	3 acres	
Amount of site containing natural floodplain/floodway	50 acres	10 acres	6 acres	3 acres	
Amount of site that must be designated as preserved natural floodplain/floodway area	50% or 25 acres	50% or 5 acres	50% or 3 acres	50% or 1.5 acres	
Amount of site that can be graded, manipulated, and developed	50% or 25 acres	50% or 5 acres	50% or 3 acres	50% or 1.5 acres	
Maximum encroachment permitted by a variance into preserved natural floodplain/floodway area	20% or 5 acres; or 5 lots*	20% or 1 acre; or 5 lots*	20% or .60 acres; or 5 lots*	20% or .30 acres; or 5 lots*	* Residential 1 lots only.

- F. Residential Development. Residential development on property encumbered by natural floodplain or floodway as of April 5, 2003 ~~on the effective date of the ordinance codified in this section~~ shall comply with the following, except for the installation of streets and utilities where required by the planning commission to alleviate an undue hardship:
1. Single or Two-Family Lots. ~~Land area designated as natural floodplain or floodway on the effective date of said section~~ After the fifty percent of the natural floodplain area has been preserved, the remaining fifty percent may be subdivided provided that each residential lot is equal to, or larger than (a) 30,000 square feet, or (b) the minimum lot area permitted by the base zoning district, whichever results in the largest lot. Any residential lot, or any portion of a residential lot, containing natural floodplain shall be designated as a "critical lot" and minimum finished floor elevations shall be established on the final plat of subdivision approved by the metropolitan planning commission and the department of public works.
 2. Cluster Lots. The cluster-lot option shall not be used within any proposed manipulated areas of the original natural floodplain.
 3. Alternative Design Plan. Any development (including all phases) that proposes residential lots which deviate from the standards established in this subsection shall submit for metropolitan council approval, a planned unit development district or urban design overlay district application, as provided below in Chapter 17.36 and Article XIII of this title. Approval of any such application shall not increase the number of lots that would otherwise be permitted under subsection F.1 of this section. Prior to planning commission consideration of the development, the Stormwater Management Committee shall provide a written recommendation to the planning commission based on the proposed development complying with all of the following criteria:
 - i) The development does not jeopardize the long-term, environmental viability of rivers and creeks within Davidson County;
 - ii) The development does not jeopardize the Metropolitan Government of Nashville and Davidson County's eligibility for federal or state-funded flood insurance or other forms of disaster relief;

- iii) The development does not inhibit, prevent, constrain, restrict, or impede the design or construction of any greenway or park as shown on the adopted general plan; and,
- iv) The development does not create or materially increase a flooding hazard to persons or other property located within the natural floodplain and/or floodway area.

SECTION 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

ORDINANCE NO. BL _____

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending various sections relative to cross-referencing and clarification of floodplain and floodway development standards, all of which is more particularly described herein (Proposal No. 2004Z-017T).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1. By amending Section 17.36.060.A, "Relationship to Other Requirements", for a planned unit development district, by adding to the last sentence of that subsection, the following:

"...In case of conflict between the standards of this article and other chapters of this zoning code, the provisions of this article shall control, except as provided in Section 17.28.040."

SECTION 2. By amending Section 17.36.070.B, "Residential Standards: Common Open Space", for a planned unit development district, by **adding** the following text:

- B. Common Open Space. Except for those portions of a master development plan required for the installation of streets and essential utilities, the following areas shall be designated as common open space and protected by a recorded plat in accordance with Sections 17.28.040 and 17.40.120.

SECTION 3. By amending Section 17.36.080, “Non-Residential and Mixed-Use Standards” for a planned unit development district, by **modifying** the section title and **inserting** the following text:

Multi-family, Non-residential, and mixed-use standards.

C. Floodplain development. Any master development plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.

SECTION 4. By amending Article VIII, “Urban Design Overlay District”, by **adding** a new section, “17.36.305” as follows:

17.36.305 Floodplain development.

Any design plan proposing to disturb, alter, modify, change, or encroach on any portion of the natural floodplain and/or floodway area shall comply with Section 17.28.040 of this title.

SECTION 5. By amending Section 17.40.120.F.1b, “Changes to a Planned Unit Development District”, by **adding** the text that follows:

1b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance, or any floodplain encroachment specified by the enacting ordinance or shown on the council approved plans, shall be authorized by council ordinance;

SECTION 6. By amending Section 17.40.130.E, “Changes to an Urban Design Overlay District”, by **adding** the text that follows:

E. Changes to an Urban Design Overlay District. An application to modify an approved urban design overlay district shall be filed with the planning commission. The planning commission shall review all proposed changes according to the procedures of subsection C of this section. A proposed change in the geographic boundary of an urban design overlay district on the official zoning map or any floodplain encroachment approved pursuant to Section 17.28.040.B shall be considered by the council according to the procedures of Article III of this chapter (Amendments).

SECTION 7. By amending Section 17.40.530, "Zoning Permit Application", by **modifying** the text that follows:

B. For development within a floodplain overlay district or containing natural floodplain or floodway as provided in Section 17.28.040, prior to approval of a grading and drainage plan by the department of water services~~public works~~;

SECTION 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Ms. Regen presented and stated that staff is recommending disapproval of the existing bill (2004Z-009T); and approval of the proposed substitute bill along with housekeeping bill (2004Z-017T). Ms. Regen also announced that a community meeting will occur on Monday, August 30, 2004 to discuss the proposed substitute and housekeeping bills.

Mr. Roy Dale requested that the Commission refrain from voting on this bill until after the Community meeting was held on Monday, August 30.

Mr. Mike Anderson also requested that the Commission wait until after the Community meeting was held before taking action on this bill.

Mr. Ponder requested further clarification on the bill, in particular, the lot sizes mentioned in the proposed bill.

Mr. Small suggested that the Commission disapprove the existing bill and defer any action on the substitute bill until after the public meeting takes place so that any suggested changes could be incorporated into the bill.

Ms. Regen briefly summarized the necessary actions that were being requested of the Commission.

Mr. Bernhardt suggested that the Commission recommend disapproval of the existing bill (2004Z-009T), and recommend to Council, to refer any substitute bill to the Commission for action at its September 9, 2004 meeting. This would give ample time for suggested changes, thus allowing Council to act on the substitute bill on the third reading.

Ms. Jones acknowledged the complication of the proposed bill. She stated she was in favor of providing extra time to allow those involved with this bill to meet and discuss the issues associated with it.

Mr. Clifton moved and Mr. McLean seconded the motion to disapprove the existing bill Zone Change 2004Z-009T and recommend that if a substitute bill is filed that the substitute bill be re-referred to the Planning Commission prior to third reading. **(9-0)**

Resolution No. 2004 -277

"BE IT RESOLVED by the Metropolitan Planning Commission that Text Amendment 2004Z-009T and 2004Z-017T (Council Bill BL2004-237) is **DISAPPROVED ORIGINAL BILL AND RE-REFER ANY SUBSTITUTE BILL TO THE METROPOLITAN PLANNING COMMISSION. (9-0)"**

Council Bill No. BL2004-339

A Council Ordinance amending Title 17 of the Metropolitan Code, by amending Section 17.40.740 by requiring specific council approval for waiving the payment of fees required except on applications by governments, requested by Councilmember Ludy Wallace.

Staff Recommendation - *Because this ordinance deals with an issue of Metro Council policy, staff recommends that the Commission take no official position on the bill.*

APPLICANT REQUEST

A Council Ordinance amending Title 17 of the Metropolitan Code, by amending Section 17.40.740 by requiring specific council approval for waiving the payment of fees required except on applications by governments, requested by Councilmember Ludy Wallace.

APPLICATION DETAILS

Section 17.40.740 B. provides that fees for processing zoning applications “shall be waived . . . [for] any large area rezonings initiated by the planning commission or metropolitan council to implement the general plan.” The proposed ordinance would delete this subsection and replace it with a section that states: “Except as provided above, no other fees shall be waived unless specifically provided in a resolution adopted by the Council by twenty-one (21) or more affirmative votes.”

In addition to deleting the language that requires a waiver of fees for zoning applications initiated by the Council, the ordinance deletes the same language relative to the Planning Commission. Subsection A. of Section 17.40.740 provides, however, that fees shall be waived for applications initiated by government agencies, including “department of the metropolitan government.” This language, which remains in the Metro Code, would permit the Planning Department to continue to initiate zoning applications without the requirement of paying the applicable fees.

Under the existing ordinance, there often is uncertainty about whether a fee should be charged for zoning applications that are initiated by members of Council. The ordinance refers to an application initiated by the “metropolitan council,” so it is unclear whether applications received from individual members of Council should be eligible for waiver of the fees. The current ordinance also refers to “large area rezonings,” which is a subjective term that can be difficult to apply.

Staff Recommendation - Although the current ordinance is somewhat difficult to apply, staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, appears to be an issue that should be determined by the Metro Council.

Approved with conditions (9-0), *Consent Agenda*

The Metropolitan Planning Commission took no official action on Text Amendment 2004Z-018T.

PRELIMINARY SUBDIVISION PLATS

- 3. **2004S-206G-03**
Bell Grimes Subdivision
Map 041, Parcel 067
Subarea 2 (1995)
District 3 (Hughes)

A request for preliminary plat approval to create 39 lots abutting the northeast corner of Brick Church Pike and Bell Grimes Land (21 acres), classified within the RS20 District, requested by Nadine Cummings, owner, Dale & Associates, surveyor.

Staff Recommendation - Approve

APPLICANT REQUEST - Preliminary Plat

Subdivide 21 acres into 39 single-family lots along north side of Bell Grimes Lane and the east side of Brick Church Pike.

ZONING

RS20 District - RS20 district, requiring a minimum lot size of 20,000 square feet and intended for single-family dwellings at an overall density of 1.85 dwelling units per acre.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS20 (minimum 20,000 sq. ft. lots) to RS10 size lots (minimum 10,000 sq. ft. lots). The applicant is not allowed to increase the number of lots, however.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 8.4 acres of open space (40%), which complies with this provision.

SUBDIVISION DETAILS - The project proposes the only access for the subdivision to be on Bell Grimes Lane, with two stub-streets to adjacent properties to the north and south. There is no access proposed to Brick Church Pike since that would require crossing a stream and because there are serious sight distance problems along the portion of Brick Church Pike.

TRAFFIC

PUBLIC WORKS RECOMMENDATION - No Exception taken.

1. Note Subdivision Regs. call for 100 foot min. between reverse curves.
2. Subject to construction plans [with final].
3. Due to connectivity and undeveloped adjacent land, submit access study prior to review.

CONDITIONS

1. An access study must be submitted prior to final plat approval.

Mr. Leeman presented and stated that staff is recommending approval with the condition that a traffic access study is submitted prior to final plat approval.

Mr. Roy Dale, spoke in favor the development.

Ms. Latasha Kersh, 1318 Bell Grimes Lane, spoke in opposition to the proposal.

Mr. James Rutherford, 4024 Ridgemont Drive, spoke in opposition to the proposal.

Mr. Hulon Sanders, 1341 Cheshire Drive, spoke in opposition to the proposal.

Mr. Owen Bell, 4099 Brick Church Pike, spoke in opposition to the proposal.

Mr. Robert Geist, 1132 Tuckahoe Drive, spoke in opposition to the proposal.

Ms. Lisa Johnson, 4001 Ridgemont Drive, spoke in opposition to the proposal.

Mr. Loring expressed concerns regarding the nearby creek and flooding issues that were mentioned by the constituents.

Mr. Lawson reminded the Commission that this proposal is in its preliminary stages and any stormwater mitigation would take place before final approval of the plat was granted.

Ms. Jones suggested this development could possibly improve the current drainage issues for the area.

Ms. Cummings thanked the community members for their comments. She stated that the conditions placed on the motion will assist in monitoring the areas of concern mentioned by constituents as the development progresses.

Mr. Tyler requested further clarification regarding the differences between the traffic impact study and the traffic access study.

Mr. Charles Hasty, Public Works, explained the differences of these two terms.

Mr. Ponder requested further clarification regarding the intersection of Bell Grimes and Brick Church Roads.

Mr. Clifton reiterated to the audience that the issues and concerns mentioned by the community members would be addressed before the final plat was approved.

Mr. Small moved and Mr. McLean seconded the motion, which passed unanimously, to approve preliminary plat 2004S-206G-03, with the recommendation that no grading permits are to be allowed until the final plat is approved. **(9-0)**

Resolution No. 2004 –278

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-206G-03 is **APPROVED WITH CONDITIONS, AND THAT NO GRADING PERMITS BE ISSUED PRIOR TO FINAL PLAT APPROVAL.**”

- 4. 2004S-235U-10**
Overton Hills, Resubdivision Of Lots 7 & 8
Maps 131-06, Parcel 36
Subarea 10 (1994)
District 25 (Shulman)

A request for preliminary plat approval to subdivision one lot into two, located on the south side of Castleman Drive approximately 200 feet west of Hood Avenue (0.8 acres), classified in the R15 district, requested by William Owen, owner and John Kohl & Company, surveyor.

Staff Recommendation - *Approve with conditions*, including a sidewalk variance

APPLICANT REQUEST - Preliminary Plat

Request to create 2 lots from an existing 0.8 acre parcel, located on the south side of Castleman Drive, approximately 200 feet west of Hood Avenue.

ZONING

R15 District - R15 district, requiring a minimum lot size of 15,000 square feet for single -family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

SUBDIVISION DETAILS - The lot comparability provisions in the Subdivision Regulations require lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots. Lot comparability may not be required if a smaller lot size is consistent with the General Plan.

Lot comparability analysis of the relevant lots yielded a minimum allowable lot size of 17,714 square feet and a minimum allowable frontage of 94.5 feet. Proposed Lot 8 passes both tests, while Lot 7 fails them both with 16,444 square feet of area and 83.10 feet of frontage. The lots qualify for a waiver from the regulations, however. The lots are located within a one-half mile radius of the Green Hills Regional Activity Center (RAC) policy and they are consistent with the adopted Residential Low Medium (RLM) land use policy of 2-4 dwelling units per acre.

SIDEWALK VARIANCE REQUEST - A sidewalk variance has been requested along Castleman Drive. The existing pavement is approximately 21 feet wide. Drainage is handled through roadside ditches. The addition of a sidewalk, curb and gutter would also require 2 additional feet of roadway.

Staff recommends approval of the sidewalk variance. This section of sidewalk, approximately 177 feet in length will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

PUBLIC WORKS RECOMMENDATION - No exception taken.

CONDITIONS

A revised plat needs to be submitted by 8/26/2004 showing the following:

1. A note that the property is located on FEMA Community Panel #470040 0327 F, Dated 4/20/01.
2. A purpose note.
3. The standard excavation note (78-840).
4. The standard Stormwater Management preliminary plat note.
5. Existing topographic information.
6. Dimension the right-of-way.
7. Note stating that the existing driveway is either to be relocated or used as a shared driveway by both lots.
8. The revised plat need to either relocate the new property line so that the existing porch does not cross over the new property line or encroach into the setback, or a note needs to be added to the plat stating: "The existing porch is to be relocated/moved so as not to touch the new property line or encroach into the side setback line."
9. A note shall be added to the face of the plat stating that only single-family homes will be allowed on each new lot.

Approved with conditions **(9-0)**, *Consent Agenda*

Resolution No. 2004 –279

"BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-235U-10 is **APPROVED WITH CONDITIONS, INCLUDING SIDEWALK VARAINCE ALONG CASTLEMAN DRIVE. (9-0)"**

FINAL PLATS

- 5. 2004S-219U-10**
Henry Sperry Subdivision, Second Resubdivision Of Lot 1
Maps 117-05, Parcel 78
Subarea 10 (1994)
District 25 (Shulman)

A request for final plat approval to create 2 lots from 1 existing lot, located at the northeast corner of the intersection of Woodmont Boulevard and Lynnbrook Road, (1.11 acres), requested by Mike Nixon, owner, and John Kohl and Company, surveyors.

The Metropolitan Planning Commission DEFERRED Final Plat 2004S-219U-10 indefinitely at the request of the applicant. (9-0)

PLANNED UNIT DEVELOPMENTS

- 6. 58-85-P-12**
Rucker Landing (Formerly Brentwood Midlands)
Map 161, Parcel 71 and 254
Subarea 12 (1997)
District 27 (Foster)

A request to revise the preliminary and for final approval for the residential Planned Unit Development district located along the east side of Edmondson Pike, approximately 2,100 feet north of Old Hickory Boulevard, classified R10, (16.09 acres), to develop 102 townhomes, replacing 124 apartments, requested by Devinder Sandhu consultants, for Zachary Rucker, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revise Preliminary PUD & Final

Request to revise the Council-approved Planned Unit Development and for final PUD approval to allow for the development of a 102-unit townhouse project in place of 124 apartment units within several multi-story buildings. The 16-acre site is located along the east side of Edmondson Pike, approximately 2,100 feet north of Old Hickory Boulevard.

ZONING & LAND USE POLICY

R10 district - Although this site is currently zoned R10, which calls for single-family and duplex lots on 10,000-square foot lots, the PUD of the zoning code provisions prior to 1998 allowed for a PUD to be adopted on property regardless of the base zone. The base zone is only required to be changed to be made consistent with the proposed development if the PUD plan must be heard as an amendment by the Metro Council. This request may be considered by the Planning Commission as a revision, so neither consideration by the Council of an amendment nor a change of the base zone district will be required

RM (Res. Medium) Land Use Policy - The RM policy calls for 4 to 9 dwelling units per acre. The 1985 plan allowed for a maximum density of 8 units per acre, and the proposed plan (with fewer units) proposes a density of 6.3 units per acre.

PLAN DETAILS

History: This residential PUD was originally adopted by the Metro Council in 1985 (Ordinance #85-829) and allowed for the development of 124 multi-family units on the 16-acre tract.

Access - Access to and from the site will be via one point of ingress / egress off Edmondson Pike. Since this development is proposed as a multi-family townhouse development, the access drives throughout the site will be considered private drives. Typically, connectivity to adjacent sites is not possible with private drives – and often is not recommended.

TRAFFIC

METRO PUBLIC WORKS' RECOMMENDATION - Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant. The following conditions are from the reviewed Traffic Impact Study:

Conditions of approval:

1. Align Rucker Street with the Library driveway, and show on the plan.
2. Reserve remaining ROW required for 1/2 of a U4 arterial as indicated on the Major Street Plan.

CONDITIONS

1. A consolidation and PUD boundary plat shall be submitted to the Planning Department for review and approval, and must be recorded with the Register of Deeds prior to the issuance of any building permits.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. This revision to the preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

4. 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.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
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. Align Rucker Street with the Library driveway, and show on the plan.
9. ~~Construct a southbound left turn lane on Edmondson Pike at the intersection of Rucker Street with 75 feet of storage length and transition pre AASHTO standards.~~
10. ~~Dedicate ROW as required for the turn lane.~~
11. Reserve remaining ROW required for 1/2 of a U4 arterial as indicated on the Major Street Plan.
12. ~~The southbound left turn lane shall be coordinated with the northbound turn lane at the library being designed and constructed by Metro.~~
13. ~~The southbound left turn lane shall be constructed prior to the issuance of 44 Use and Occupancy Permits.~~

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –280

“BE IT RESOLVED by the Metropolitan Planning Commission that 58-85-P-12 is **APPROVED WITH CONDITIONS, AND REMOVED CONDITIONS #9, 10, 12, and 13 AS APPROVED BY METRO PUBLIC WORKS. (9-0)**”

MANDATORY REFERRALS

7. **2004M-064G-06**
Harpeth River Greenway Easement
Map 142-13 B, Parcel 121
Subarea 6 (2003)
District 35 (Tygard)

A request to accept and record an easement to the Metro Government for use in connection with the development of the Harpeth River Greenway at 928 Glenridge Lane, requested by Metro Legal Department.

Staff Recommendation - Approve

(Note: A memo from Rick Bernhardt discussing this item is included in the Staff Report packet.)

APPLICANT REQUEST

A request to accept and record an easement agreement to the Metro Government for use in connection with the development of the Harpeth River Greenway at 928 Glenridge Lane, requested by the Metro Legal Department.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Metro Water & Sewerage Services Department, Stormwater, Historical Commission, and Nashville Electric Service. Planning staff also supports the request.

At the last meeting, there was some concern about this greenway easement agreement and the conditions of the Riverside Planned Unit Development (102-86-P). Originally, this area was to be used as open space/borrow area outside of the PUD boundary in 1987. In 1991, there was a revision to the preliminary that labeled this area as a “playfield.”

An amendment to the preliminary PUD was approved in 1992 that proposed a 10’ “river trail,” 20 parking spaces, a “play area,” and a “softball field.” In 1999, the final PUD approval was granted by the Commission for construction of a swimming pool and basketball court in what had previously been identified as “open space” at the corner of Morton Mill Road and Northridge Drive. This approval included a provision allowing for a 15’ undisturbed area at the top of the riverbank for the greenway trail. Neither the softball field nor any other recreational facilities are shown on the plans approved in 1992.

This greenway easement apparently has been proposed since 1992. A Planning Commission staff member wrote a letter that year to the Councilmember that a greenway easement could be worked out with Metro Parks Department and it would not affect the PUD approval. The easement agreement currently before the Commission has been negotiated between the Riverside PUD Homeowners Association and the Metro Parks Department.

Approved **(9-0)**, *Consent Agenda*

Resolution No. 2004 –281

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004M-064G-06 is **APPROVED. (9-0)**”

**VIII. PUBLIC HEARING
ZONING MAP AMENDMENTS**

8. **2004Z-099U-08**
Maps 81, 91, and 92, Various Parcels
Subarea 8 (2002)
District 21 (Whitmore)

A request to change from R6 to RS5 district property located at various properties within Council District 21, north and south sides of Jefferson Street and east and west sides of Ed Temple Boulevard, (813.66 acres), requested by Councilmember Edward Whitmore for various owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 813.66 acres from residential (R6) to residential single-family (RS5) district various parcels located within Council District 21, between the Cumberland River and Charlotte Pike.

Existing Zoning

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

Proposed Zoning

RS5 district - **RS5** requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBAREA 8 PLAN POLICIES

VARIOUS DETAILED NEIGHBORHOOD DESIGN PLANS:

This proposal includes property located within the boundaries of the following Detailed Neighborhood Design Plans that have been adopted by the Planning Commission:

- South Rhodes Park
- TSU
- Hadley Park
- College Heights-Clifton
- McKissack Park
- Hadley Washington

The properties included within this proposal fall within one or more of the following land use policies:

- Mixed Use in Neighborhood Center
- Mixed Housing in Neighborhood General
- Parks, Reserves & Other Open Space in Open Space
- Single-Family Attached & Detached in Neighborhood General
- Single-Family Detached in Neighborhood General
- Commercial in Corridor Center
- Major Institutional
- Civic or Public Benefit in Open Space
- Mixed Housing in Neighborhood Urban
- Mixed Use
- Residential Medium (Subarea 7 Plan Policy also)

Policy Conflict - The proposed zoning district (RS5) is consistent with policies in this area. Most of the area is within the Single Family Detached in Neighborhood General policy area.

In Council District 21, there are 2,230 properties classified as single-family residential, which is 47% of the entire district. There are 343 duplexes, 111 triplexes, and 50 quadplexes. There are 771 properties that are classified as vacant residential property.

Two-family dwellings in this area that were properly permitted will be considered “legally nonconforming” and will be allowed to remain. The Zoning Code states that “a structure containing a two-family *nonconforming* use within an RS district may be restored within one year regardless of percentage of damage or destruction.”

RECENT REZONINGS - None

TRAFFIC - No Exception Taken.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

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

Mr. Karl Meyer, 2407 Heiman Street, spoke in favor of the zone change request.

Ms. Elizabeth Essen, 2701 Eden Street, spoke in opposition to the zone change request.

Ms. Yulonda Sharp, 901 Timberside Drive, spoke in opposition to the zone change request.

Dr. A.C. Wells, spoke in opposition to the zone change request.

Ms. Billye Sanders, 3514 Geneva Circle, spoke in opposition to the zone change request.

Ms. Debra Sparks, 416 33rd Avenue North, spoke in opposition to the zone change request.

Mr. Eldridge Simmons, 906 43rd Avenue North, spoke in favor of the zone change request.

Ms. Dorothy Wells, 3700 Tigerbelle Drive, spoke in opposition to the zone change request.

Mr. Dan Lane, 3912 Drakes Branch Road, spoke in opposition to the zone change request.

Mr. Edwin Sanders, 3514 Geneva Circle, spoke in opposition to the zone change request.

Mr. Howard Groves spoke in support of the zone change request.

Ms. Dorothy Owens, 1000 42nd Avenue North, spoke in support of the zone change request.

Mr. Artis Parker, 916 24th Avenue North, spoke in opposition the zone change request.

Mr. Ponder spoke in support of RS zoning. He suggested the possibility of omitting certain sections of the rezoning that would not benefit from RS zoning. Mr. Ponder also suggested that the Commission disapprove and request re-referral from the Council.

Mr. Tyler spoke in opposition to mass rezoning. He understood the concerns mentioned by the community members.

Ms. Cummings agreed with Mr. Ponder to have the Council re-refer this item back to the commission for further study and action.

Mr. Clifton requested further clarification regarding the need for this mass zone change.

Mr. Bernhardt explained that the rezoning is consistent with the neighborhood design plan for this area.

Mr. McLean suggested other fashions that could be used to regulate the areas of concern for this area rather than a mass zone change.

Mr. Small also spoke in opposition to the idea of mass rezoning. He stated that he is currently not vote in favor of approving this zone change due to some of the opposition mentioned by the Community members.

Ms. Jones expressed concerns regarding this mass rezoning. She recognized the current housing located in the area and stated that rezoning this area to only single family homes would not properly stimulate the area for growth.

Mr. Loring spoke in support of the requested zone change request. He stated the Councilmember Whitmore has good intentions for this area and with the Commission's support could see the neighborhood come to fruition.

Mr. Ponder moved and Ms. Cummings seconded the motion to disapprove zone change 2004Z-099U-08 and recommend to Council to re-refer this zone change back to the Planning Commission in order to allow further community meetings with property owners and to complete additional studies of the detailed neighborhood design plans to analyze if areas could be removed from the rezoning proposal. It was also moved that when this zoning is reheard, notification will only be sent to the property owners affected by the zone change. **(6-3) No votes – Loring, Lawson, McLean**

Resolution No. 2004 –282

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-099U-08 is **DISAPPROVED WITH A RECOMMENDATION TO RE-REFER BILL TO THE METROPOLITAN PLANNING COMMISSION FOLLOWING ADDITIONAL STUDY/REVIEW TO FIND IF PROPERTIES MUST BE REMOVED OR ADDED, AND THAT NOTICES ONLY BE SENT TO ACTUAL PROPERTY OWNERS. (6-3)**

The proposed RS5 district is consistent with the various policies in this area, but further community meetings with property owners should be held and detailed neighborhood design plans analyzed to determine if there are areas that should be removed from the rezoning. Until these steps are completed, rezoning is not appropriate.”

The Commission recessed at 6:05 p.m.

Ms. Cummings left the meeting at 6:10 p.m.

The Commission resumed at 6:20 p.m.

- 9. 2004Z-103U-10**
 Map 105-10, Parcels 156-159, 160, 150-14, 49-50, 54-58
 Subarea 10 (1994)
 District 17 (Greer)

A request to change from RM20 to R8 district properties located along Beech, S. Douglas, Elliott, and Glen Avenue, (3.07 acres), requested by Councilmember Ronnie Greer, applicant for various owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 3.07 acres from residential multi-family (RM20) to residential (R8) district located along Beech, S. Douglas, Elliott, and Glen Avenue.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 10 PLAN POLICY

8TH SOUTH DETAILED NEIGHBORHOOD DESIGN PLAN

Single-Family Attached and Detached in Neighborhood General (SFAD in NG) - This category includes a mixture of single family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot (e.g. typical single family house). Attached houses are single units that are attached to other single family houses (e.g. townhouses).

Policy Conflict - The proposed R8 zoning district is consistent with the policy and the surrounding zoning pattern in the area. The current RM20 zoning district would allow for development that is not consistent with the policy or existing character in this area.

RECENT REZONINGS - None.

TRAFFIC - No Exception Taken.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	3.07	20	61	422	35	41

Typical Uses in Proposed Zoning District: R8

Land Use (ITE Code)	Acres	Density per acre	Total lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	3.07	4.63	14	134	11	15

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-288	-24	-26

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –283

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-103U-10 is **APPROVED. (9-0)**

The proposed R8 district is consistent with the 8th South Detailed Neighborhood Design Plan’s Single-Family Attached and Detached in Neighborhood General (SFAD in NG) policy. The R8 zoning district is also consistent with the surrounding zoning pattern. The existing RM20 district would allow for development that is not consistent with the policy or existing character in the area.”

- 10. **2004Z-104U-13**
Map 163, Parcel 36,171
Subarea 13 (2003)
District 28 (Alexander)

A request to change from AR2a to RM20 district properties located at 1411 and 1421 Rural Hill Road, approximately 375 feet north of Mt. View Road, (9.7 acres), requested by ERC properties, applicant for Thomas A. Lundborg, et ux.

Staff Recommendation - Approve

APPLICANT REQUEST -Rezone 9.7 acres from agricultural/residential (AR2a) to residential multi-family (RM20) district located at 1411 and 1421 Rural Hill Road, approximately 375 feet north of Mt. View Road.

Existing Zoning

AR2a district -Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district would allow for approximately 5 dwelling units currently.

Proposed Zoning

RM20 district - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The RM20 district would allow for approximately 194 dwelling units.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

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

Policy Conflict - The proposed RM20 zoning district is consistent with the policy and the surrounding zoning pattern in the area. It is also near the Hickory Hollow Regional Activity Center, in which this multi-family zoning district would act as a transition from commercial uses along Mt. View to lower density residential uses along Rural Hill Road.

RECENT REZONINGS - Parcel 096 to the north east was rezoned in August 2001 from AR2a to RM20. The Planning Commission recommended disapproval in May 2001 because no Traffic Impact Study had been submitted, as per Metro Public Works requirements.

TRAFFIC - A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	9.70	0.5	5	48	4	6

Typical Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density per Acre	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	9.70	20	194	1128	88	104

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+189	1080	84	98

METRO SCHOOL BOARD REPORT

Projected student generation 13 Elementary 9 Middle 8 High

Schools Over/Under Capacity - Students would attend J.E. Moss Elementary School, Apollo Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004. There is capacity at an elementary school within the cluster and a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of \$117,000 approximately for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements - Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board's proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –284

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-104U-13 is **APPROVED. (9-0)**

The proposed RM20 district is consistent with the Antioch-Priest Lake Community Plan’s Residential Medium High (RMH) policy calling for residential development at a density of nine to twenty dwelling units per acre. It is also consistent with the surrounding zoning pattern and will act as a transition from the Hickory Hollow Regional Activity Center to lower density residential development along Rural Hill Road.”

11. **2004Z-105U-10**
Map 118-01 Parcel 110
Subarea 10 (1994)
District 17 (Greer)

A request to change from R8 to CS district property at 1110 Gilmore Avenue, approximately 130 feet east of 12th Avenue South, (0.16 acres), requested by Treg Warner, applicant/owner.

Staff Recommendation - *Approve with conditions, no access from Gilmore Place.*

APPLICANT REQUEST - Rezone 0.16 acres from residential (R8) to commercial service (CS) district at 1110 Gilmore Avenue, approximately 130 feet east of 12th Avenue South.

Existing Zoning

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

Proposed Zoning

CS district - Commercial Service is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

SUBAREA 10 PLAN POLICY

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

Policy Conflict - Although the proposed CS district is not entirely consistent with the RM policy in this area, it is consistent with the surrounding zoning pattern in the area. There is commercially zoned property adjacent to and across from this site. Staff recommends that there be no access from Gilmore Avenue to keep commercial traffic out of this residential neighborhood. There should not be any further expansion of commercial uses along Gilmore Avenue.

RECENT REZONINGS - None.

TRAFFIC

A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	.16	4.63	1	10	1	2

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	.16	0.374	2,606	634	18	57

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			624	17	55

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	.16	4.63	1	10	1	2

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	.16	0.60	4,182	3087	281	220

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				3077	280	218

CONDITIONS

1. No access from Gilmore Avenue. Vehicular access to be from 12th Avenue only.

Ms. Harris presented and stated that staff is recommending approval including the condition that there is no access from Gilmore Place. Ms. Harris also stated that the applicant recently changed his zone change request from CS zoning to MUL zoning.

Mr. Treg Warner, owner, spoke in favor of rezoning to MUL.

Mr. William Thomas, 1011 Gilmore, spoke in opposition to the proposal.

Mr. Ronald Miller, 1106 & 1108 Gilmore Avenue, spoke in opposition to the proposal.

Ms. Patricia Frantz, 1010 Montrose Avenue, spoke in favor of this proposal.

Mr. McLean spoke in favor of rezoning this parcel to MUL.

Mr. Loring mentioned that the Commission received a note from Councilmember Greer requesting that this item be deferred.

Mr. Clifton requested clarification on the allowable land uses under CS and MUL.

Mr. Bernhardt explained that the MUL has a much lower intensity than the CS.

Mr. Ponder moved, and Mr. McLean seconded the motion to approve zone change 2004Z-105U-10.

Mr. Small expressed concerns on the issue of limited access from Gilmore Avenue to the property.

Mr. Jones requested further clarification on the land uses involved with MUL zoning.

Mr. Loring moved, and Mr. Clifton seconded the motion to table the motion to approve zone change 2004Z-105U-10 due to the fact that Councilmember Greer has requested that this item be deferred. The motion to table this zone change request failed.

The motion to approve which was moved by Mr. Ponder and seconded by Mr. McLean was approved **(7-1) No Vote – Loring**

Resolution No. 2004 –285

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-105U-10 is **APPROVED WITH CONDITIONS AND AS AMENDED TO MUL AT MPC MEETING. (7-1)**

The proposed MUL district is not entirely consistent with the Subarea 10 Plan’s Residential Medium (RM) policy, however, it is consistent with the surrounding zoning pattern in the area. There is commercially zoned property adjacent to and across from this site. There shall be no access from Gilmore Avenue.”

- 12. 2004Z-106U-06**
Map 102, Parcel a portion of 88
Subarea 6 (2003)
District 35 (Tygard)

A request to change from OR20 to CS district a portion of property at 6950 Charlotte Pike, west of I-40, (5.05 acres), requested by William Kantz, applicant for River Meade Development, Inc., owner.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 5.05 acres from office/residential (OR20) to commercial service (CS) district a portion of property at 6950 Charlotte Pike, west of I-40 at Cabot Drive.

Existing Zoning

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

Proposed Zoning

CS district - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

BELLEVUE COMMUNITY PLAN POLICY

CMC Policy - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Policy Conflict - No. The proposed CS district is consistent with the Bellevue Community Plan’s CMC policy calling for a wide range of commercial uses in this area. It is also consistent with the adjacent CS zoning on the

Wal-Mart site to the east. Although the rear portion of this parcel is within the floodplain of the Cumberland River, the portion proposed for rezoning is mostly out of the floodplain.

RECENT REZONINGS -Yes. The Commission recommended approval of a rezoning from R40 to MUL on the adjacent property to the west in March of 2003.

TRAFFIC

PUBLIC WORKS RECOMMENDATION -A TIS may be required at development. Verify access can be provided out of 100-year flood boundary.

Typical Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.05	20	101	648	53	61

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center ()	5.05	0.07	15,398	2013	51	183

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--			1365	-2	122

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.05	20	101	648	53	61

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	5.05	0.60	131,987	8136	185	753

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				7488	132	692

Mr. Lawson announced that this item was originally removed from the consent agenda due to an individual wanting to speak regarding this item. He has been informed that the individual has worked out his differences regarding the

zone change and that the Commission has the opportunity to place zone change 2004Z-106U-06 back on consent and approve.

Mr. Ponder moved, and Mr. McLean seconded the motion, which passed unanimously to place zone change 2004Z-106U-06 back on the consent agenda and approve. **(8-0)**

Resolution No. 2004 –286

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-106U-06 is **APPROVED. (8-0)**

The proposed CS district is consistent with the Bellevue Community Plan’s Commercial Mixed Concentration (CMC) policy calling for a wide range of commercial uses in this area. It is also consistent with the surrounding CS zoning pattern adjacent to and across from this site.”

- 13. **2004Z-107U-14**
Map 95-11, Parcel 195
Subarea 14 (1996)
District 15 (Loring)

A request to change from RS10 to ON district at 609 McGavock Pike, north of Elm Hill Pike, (0.74 acres), requested by Charles E. Robinson, applicant/owner.

Staff Recommendation- *Approve*

APPLICANT REQUEST - Rezone 0.74 acres from residential (RS10) to office neighborhood (ON) district at 609 McGavock Pike, north of Elm Hill Pike.

Existing Zoning

RS10 district -RS10 requires a minimum of 10,000 square foot lot and is intended for single-family homes at a density of 3.7 dwelling units per acre. The current RS10 district would allow for approximately 3 homes.

Proposed Zoning

ON district - Office Neighborhood is intended for low intensity office uses.

SUBAREA 14 PLAN POLICY

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

Policy Conflict - The proposed ON zoning district is not entirely consistent with the policy, however, it is consistent with the surrounding zoning pattern and uses in the area. This property is surrounded by CL zoning to the west and vacant residential to the east. Staff recommends that there be no further expansion to the north of office or commercial uses along McGavock Pike.

RECENT REZONINGS - Parcel 190 was rezoned from RS10 to CL in February 2002. The Planning Commission recommended disapproval in December 2001.

TRAFFIC - A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour

Single-Family detached (210)	0.74	3.7	3	29	3	4
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Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.74	0.198	6,382	161	21	86

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				132	18	82

Maximum Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.74	3.7	3	29	3	4

Maximum Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank ()	0.74	0.4	12,893	NA	278	542

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--					275	538

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –287

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-107U-14 is **APPROVED. (9-0)**

The proposed ON district is consistent with the surrounding zoning pattern and uses in the area. The property has CL zoning across from it and to the south. There should be no further expansion of office or commercial zoning along McGavock Pike.”

14. **2004Z-108U**
 Map 118-05, Parcel 30
 Subarea 10 (1994)
 District 17 (Greer)

A request to apply the Historic Landmark Overlay District to Sunnyside at Sevier Park at 3000 Granny White Pike,

(20.43 acres), requested by the Metro Historical Commission.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-108U deferred to September 9, 2004 at the request of the applicant. (9-0)

15. 2004Z-108U
Map 105-03, Parcel 3
Subarea 11 (1999)
District 17 (Greer)

A request to apply the Historic Landmark Overlay District to the City Cemetery, 4th Avenue South (unnumbered), (28.24 acres), requested by the Metro Historical Commission.

Staff Recommendation - Approve

APPLICANT REQUEST - To apply the Historic Landmark Overlay District to the following:

- Trolley Barns on Rolling Mill Hill, 33 Peabody St.
- Sunnyside at Sevier Park, 3000 Granny White Pike
- Shelby Street Bridge, between the Gateway and Woodland St. Bridges
- Lindsley Hall at 730 2nd Avenue South
- Fort Negley, 800 Ft. Negley Blvd.
- City Reservoir, 1401 8th Avenue South
- Omohundro Water System, 1400 Pumping Station Rd. and 546 Cave Rd.
- City Cemetery, 4th Ave., South

Existing Zoning

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

CF district (Trolley Barns, Shelby Street, and Lindsley Hall) - Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

IR district (Omohundro Water System and City Cemetery) - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

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

MUI (Shelby Street Bridge) - Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

SUBAREA PLAN POLICIES

Trolley Barns on Rolling Mill Hill—Subarea 9, Mixed Use (MU)

Sunnyside at Sevier Park—Subarea 10, Major Public Open Space (MPOS)

Shelby Street Bridge—Subarea 9

Lindsley Hall—Subarea 9, Mixed Use (MU)

Fort Negley—Subarea 11, Major Public Open Space (MPOS)

City Reservoir—Subarea 10, Major Public Open Space (MPOS)

Omohundro Water System—Subarea 11, Industrial and Distribution (IND)

City Cemetary—Subarea 11, Major Public Open Space (MPOS)

Policy Conflict - No. The Historic Landmark Overlay Districts are consistent with all the policies. Many of these properties were considered during the subarea planning process.

At its August 18, 2004 meeting, the Metro Historic Zoning Commission (MHZC) determined that the Nashville City Cemetery at 1001 4th Avenue South, the Nashville City Reservoir at 1401 8th Avenue South, Lindsley Hall at 730 2nd Avenue South, the Omohundro Water Complex at 546 Cave Road and 1400 Pumping Station Road, the Shelby Street Bridge, Sunnyside in Sevier Park at 3000 Granny White Pike and the Trolley Barns at Rolling Mill Hill at 33 Peabody Street are “historically significant” in accordance with Section 17.36.120 of the Metro Code.

The MHZC also adopted design guidelines for all seven proposed historic landmark districts. Fort Negley has been requested for indefinite deferral and was not heard by the MHZC.

RECENT REZONINGS - None.

TRAFFIC - This rezoning is not expected to have a significant effect on traffic in these areas.

METRO SCHOOL BOARD REPORT

This rezoning is not expected to have a significant effect on student generation projections.

Approved **(9-0)**, *Consent Agenda*

[Note: Items #15, 16, 17, 19, 20, and #21 were discussed by the Metropolitan Planning Commission together. Please see item #21 for actions and resolution.]

16. **2004Z-108U**
Map 94, Parcels 4, 23
Subarea 11 (1999)
District 15 (Loring)

A request to apply the Historic Landmark Overlay District to the Omohundro Water System at 1400 Pumping Station Road and 546 Cave Road (28.27 acres), requested by Metro Historical Commission.

Approved **(9-0)**, *Consent Agenda*

[Note: Items #15, 16, 17, 19, 20, and #21 were discussed by the Metropolitan Planning Commission together. Please see item #21 for actions and resolution.]

17. **2004Z-108U**
Map 105-06, Parcel 84
Subarea 10 (1994)
District 17 (Greer)

A request to apply the Historic Landmark Overlay District to the City Reservoir at 824 West Argyle Avenue and 1401 8th Avenue South, (16.96 acres), requested by the Metro Historical Commission.

Approved **(9-0)**, *Consent Agenda*

[Note: Items #15, 16, 17, 19, 20, and #21 were discussed by the Metropolitan Planning Commission together. Please see item #21 for actions and resolution.]

- 18. 2004Z-108U**
Map 105-02, Parcel 434, 446
Subarea 11(1999)
District 17 (Greer)

A request to apply the Historic Landmark Overlay District to Fort Negley at 800 Fort Negley Blvd., (37.80 acres), requested by the Metro Historical Commission.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-108U indefinitely at the request of the applicant. (9-0)

- 19. 2004Z-108U**
Map 93-11 Parcel 199
Subarea 9 (1997)
District 19 (Wallace)

A request to apply the Historic Landmark Overlay District to Lindsley Hall at 730 2nd Avenue South, requested by the Metro Historical Commission

Approved **(9-0)**, *Consent Agenda*

[Note: Items #15, 16, 17, 19, 20, and #21 were discussed by the Metropolitan Planning Commission together. Please see item #21 for actions and resolution.]

- 20. 2004Z-108U**
Subarea 9 (1997)
District 6 (Jameson)

A request to apply the Historic Landmark Overlay District to the Shelby Street Bridge, between the Gateway and Woodland St. Bridges, requested by the Metro Historical Commission.

Approved **(9-0)**, *Consent Agenda*

[Note: Items #15, 16, 17, 19, 20, and #21 were discussed by the Metropolitan Planning Commission together. Please see item #21 for actions and resolution.]

- 21. 2004Z-108U**
Map 93-11, Parcel 105
Subarea 9 (1997)
District 6 (Jameson)

A request to apply the Historic Landmark Overlay District to the Trolley Barns on Rolling Mill Hill at 33 Peabody Street, (12.08 acres), requested by the Metro Historical Commission.

Approved **(9-0)**, *Consent Agenda*

Resolution No. 2004 –288

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-108U (City Cemetary, Omohundro Water System, City Reservoir, Lindsley Hall, Shelby Street Bridge, Trolley Barns) was **APPROVED. (9-0)**

The proposed Historic Landmark Overlay Districts for the City Cemetery, Omohundro Water System, and the City Reservoir are consistent with the Major Public Open Space (MPOS) and Industrial and Distribution (IND) policies. The proposed Historic Landmark Overlay Districts for Lindsley Hall, Shelby Street Bridge, and Trolley Barns on Rolling Mill Hill are consistent with the Mixed Use policy.”

22. 2004Z-109G-12
Map 186, Parcel 14.01
Subarea 12 (1997)
District 31 (Toler)

A request to change from AR2a to SCC district at 7022 Nolensville Pike, south margin of Burkitt Road, (6.6 acres), requested by Mark Traylor, Boyle Nashville LLC, applicant for Michael Ray Boyle, et ux, owner.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-109G-12 to the September 23, 2004 MPC meeting at the request of the applicant. (9-0)

23. 2004Z-110U-08
Map 81-08, Parcel 418,419
Subarea 8 (2002)
District 19 (Wallace)

A request to change from R6 to MUN district at 600 Garfield Street and 1707 6th Avenue North, (0.59 acres), requested by Rodney Harris, applicant for TOP Development, owner.

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

Mr. Bill Eason, 166 Hicks Road, spoke in opposition to the proposal.

Mr. McLean requested clarification on MUN land uses and suggested that a PUD be submitted to determine the land use.

Ms. Jones also agreed that a PUD should be submitted to define the land uses.

Mr. Stewart expressed reservation to the requesting of a PUD from the applicant.

Mr. Tyler requested additional information regarding the current zoning on the surrounding parcels.

Mr. Ponder also commented on the unknown of the land uses for the area.

Mr. Lawson reviewed and commented on the policies involved in making a zone change and the fact that decisions should be based on comparability to the subarea plans as well as the general policy.

Mr. Clifton moved and Mr. Loring seconded the motion to adopt staff recommendation to approve zone change 2004Z-110U-08.

Yes Votes - Loring, Clifton, Lawson
No Votes – Ponder, Tyler, McLean, Small, Jones

The motion to adopt staff recommendation, failed.

The Commission briefly discussed their options regarding this zone change request.

Mr. Small moved, and Mr. Ponder seconded the motion, which passed unanimously, to defer zone change 2004Z-110U-08 until September 23, 2004 to further study the detailed neighborhood design plan for this area and the proposed zone change request.

Ms. Jones mentioned that there was a discrepancy contained within the staff report and requested that this be reviewed and corrected.

The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-110U-08 to the September 23, 2004 MPC meeting. (8-0)

24. 2004Z-112U-13
Map 150, Parcel, 129-132
Subarea 13 (2003)
District 33 Tommy Bradley

A request to change from AR2a and R15 to RS10 district at Route 2 and 6033 Mt. View Road and 3249 Hamilton Church & Hamilton Church (unnumbered), (45.32 acres), requested by Anderson-Delk & Associates, Inc., applicant for Joseph Ransom, Richard A. Lewis, Kent Burgess, and Full Gospel Nashville Church, Inc., owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 45.32 acres from agricultural/residential (AR2a) and residential (R15) to residential single-family (RS10) district at Route 2 and 6033 Mt. View Road and 3249 Hamilton Church and Hamilton Church (unnumbered).

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for approximately 23 dwelling units currently.

Proposed Zoning

RS10 district - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. This RS10 district would allow for 168 single-family homes.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

Neighborhood General (NG) - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy, a Planned Unit Development (PUD) or site plan is to be submitted.

Policy Conflict - The proposed RS10 zoning district is consistent with the NG policy called for in the Antioch-Priest Lake Community Plan. A site plan was submitted and is consistent with the intent of the Neighborhood General policy. The plan provides a mixture of residential development with small and medium size lots, as well as open space areas and stub streets for connectivity. The smaller lots are oriented towards the neighborhood centers while the larger lots are away from these centers in order to provide "a smooth, seamless transition from one area to the other" (LUPA, p.40).

RECENT REZONINGS - Various parcels totaling 375.72 acres to the south were rezoned from AR2a and R15 to RS10 and RM9 in October 2002. The Planning Commission recommended approval with conditions in July 2002. The Planning Commission also recommended approval for a request on parcel 119 from AR2a to RS7.5 and for a preliminary PUD.

TRAFFIC

A Traffic Impact Study is not required prior to rezoning. A Traffic Impact Study has been scoped for the development phase of this property.

Typical Uses in Existing Zoning District: AR2a and RS15

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	45.32	0.5 and 2.47	90	944	73	96

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units Per Acre	Total number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	45.32	3.70	168	1676	128	172

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--		+78	732	55	76

METRO SCHOOL BOARD REPORT

Projected student generation 33 Elementary 23 Middle 19 High

Schools Over/Under Capacity - Students would attend Edison Elementary School, Kennedy Middle School, or Antioch High School. Kennedy and Antioch have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004. There is capacity at a high school at an adjacent cluster (McGavock, Maplewood, Whites Creek, and Stratford). There are no middle schools with capacity in the Antioch cluster. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the school(s) impacted by this proposed rezoning and the lack of capacity of other middle schools within the cluster, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of \$299,000 approximately for additional school capacity in this cluster. A new middle school is presently programmed in the 10 year school capital plan. This estimate is based on maintaining current school zone boundaries.

Planned School Capital Improvements - Land was purchased on Pettus Road in FY 03-04 in the Antioch cluster for a new middle school and a new elementary school. The School Board’s proposed capital budget for FY 04-05 includes money to construct the middle and elementary schools and to purchase land for a new high school.

Mr. Kleinfelter announced that this zone change was originally removed from the consent agenda to allow a constituent to hear and speak on this zone change request. Mr. Kleinfelter further stated that the constituent has since left the meeting and suggested that this item be placed back on the consent agenda.

Mr. Lawson polled the audience to see if there was anyone left to speak regarding this item. There were none.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to place Zone Change 2004Z-112U-13 back on the consent agenda and approve. **(9-0)**

Resolution No. 2004 –289

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-112U-13 is **APPROVED. (9-0)** **The proposed RS10 district is consistent with the Antioch-Priest Lake Plan’s Neighborhood General (NG) policy calling for a mixture of residential development that is carefully arranged and not randomly located. A site plan was submitted and is consistent with the intent of the NG policy proposing smaller lots closer to the Neighborhood Center areas and medium size lots away from these centers. The site plan also provides for open space areas and stub streets for future connectivity.”**

25. 2004Z-114G-12
Map 181, Parcel portion of 7
Subarea 12 (1997)
District 31 (Toler)

A request to change from AR2a to CL district a portion of property at 10638 Concord Road, south side of Nolensville Pike, (10 acres), requested by Gresham Smith and Partners, applicant for Harold and Jacob Kornman, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 10 acres from agricultural/residential (AR2a) to commercial limited (CL) district at 10638 Concord Road, south side of Nolensville Pike.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres.

Proposed Zoning

CL district - Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

SOUTHEAST COMMUNITY PLAN POLICY

Community Center (CC)-CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

Natural Conservation Overlay (NCO) - NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. The predominant types of land use anticipated in these areas are very low intensity residential, commercial (convenience scale) and community facility developments. Examples of low intensity, non-residential development include convenience retail, athletic fields, and hiking trails.

PRIOR SUBAREA 12 PLAN POLICY

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

Policy Conflict - The proposed CL zoning district is consistent with the RCC policy called for in the subarea plan. The Southeast Community that was adopted by the Planning Commission in July 2004 changed the policy from RCC to CC in this area. Although the CC policy allows for commercial uses, its intent is for mixed use development proposals. Because this application was submitted prior to the adoption of the Southeast Community plan, however, the RCC policy was applied as the policy for this area.

The NCO policy area is applied to the floodway and floodplain areas on the property. Any development proposals in this area should be consistent with the Floodplain/Floodway Development Standards of the Metro Zoning Ordinance (Section 17.28.040).

RECENT REZONINGS - There is also a rezoning request on this agenda from AR2a to SCC to the south that is on this agenda (2004Z-109G-12).

TRAFFIC - A Traffic Impact Study will be required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	10.0	0.5	5	48	4	6

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.0	0.17	74,052	5586	131	514

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				5538	127	508

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	10.0	0.5	5	48	4	6

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.0	0.60	261,360	12,683	279	1180

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				12,635	275	1174

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –290

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004Z-114G-12 is **APPROVED. (9-0)**

The proposed CL district is consistent with the Southeast Community Plan’s Community Center (CC) policy and the old Subarea 12 Plan’s Retail Concentration Community (RCC) policy. The RCC policy was changed to CC with the adoption of the Southeast Community Plan. Although the CC policy allows for commercial uses, it is intended for mixed use development proposals. This application was submitted prior to the adoption of the Southeast Community Plan so the RCC policy was used, which allows for community scale retail uses.”

- 26. 2004Z-115G-02**
Map 50, Parcel a portion of 47.01
Subarea 2 (1995)
District 3 (Hughes)

A request to change from RS7.5 to SCR district a portion of property at Dickerson Pike (unnumbered), approximately 1,500 feet west of Dickerson Pike, (6.82 acres), requested by Gresham Smith and Partners for Sallie Hicks, et al, co-trustees.

[Note: Items #26, 27, and 28 were discussed by The Metropolitan Planning Commission together.]

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2004Z-115G-02. (8-0)

- 27. 2004Z-113G-02**
Map 50, Parcels 50, 51, 52, 53, 140, and a portion of Parcels 45, 47, 49, 49.01
Subarea 2 (1995)
District 3 (Hughes)

A request to change from RS7.5 and IWD to SCR district properties at Dickerson Pike (unnumbered), 3466 and 3446 Dickerson Pike, abutting the west side of Dickerson Pike, (81.71 acres), requested by Gresham Smith and Partners for Sallie Hicks Family, LLC, Alice Cranford and Corolene Bandy, Jack Jenkins, and Pegasus Properties, owners.

[Note: Items #26, 27, and 28 were discussed by The Metropolitan Planning Commission together.]

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2004Z-113G-02. (8-0)

- 28. 88P-056G-02**
Mulberry Downs (formerly Apple Valley)
Map 50, Parcel part of 47
Subarea 2 (1995)
District 3 (Hughes)

A request to cancel a 6.82 acre portion of an existing Residential Planned Unit Development district located at the terminus of Mulberry Downs Cr, and approximately 1,500 feet west of Dickerson Pike, classified RS7.5 and SCR, to remove a 6.82 acre portion from the PUD and to relocate 12 townhome units within the remaining PUD, requested by Gresham Smith and Partners for George Hicks Family Trust, owner.

Mr. Mitchell presented and stated that staff is recommending approval of Zone Change 2004Z-115G-02 and Zone Change 2004Z-113G-02 subject to a Planned Unit Development being submitted and approved by Metro Council prior to final approval by Council of this zoning request. Staff is recommending approval of Planned Unit Development 88P-056G-02 subject to submittal and approval of a revision to the Mulberry Downs PUD plan to relocate the 12 townhome units prior to final reading at Metro Council.

Ms. Susie Harris, 3230 Healy Drive, spoke in opposition to the proposal.

Mr. Montez Ross, 3300 Stockdale Lane, spoke in opposition to the proposal.

Ms. Barbara Arnold, 1611 Berrywood Way, spoke in opposition to the proposal.

Ms. B.J. Truett, 3228 Healy Drive, spoke in opposition to the proposal.

Ms. Debra Bowers, 208 Trailway Circle, spoke in opposition to the proposal.

Mr. Russell Pitzer, Gresham Smith & Partners, spoke in favor to the proposal.

Mr. Jack Jenkins spoke in favor of the development.

Mr. Gary Denny spoke in favor of the development.

Mr. Clifton requested further clarification on the current zoning of the area in particular, the IWD zoning and the proposed new zoning.

Mr. McLean acknowledged the concerns mentioned by Council Lady Tucker. He requested further clarification on staff's recommendation.

Mr. Bernhardt explained that there were environmental and transportation issues associated with this proposal that need to be addressed in a systematic manner. He clarified that staff will be requesting a PUD for this particular proposal due to its intensity of the project.

Mr. Tyler expressed concerns regarding the traffic in relation to the proposal, and he agreed with staff recommendation on requesting a PUD due to the size of the proposal.

Mr. Ponder agreed with staff recommendation.

Mr. Small stated he was not in favor of staff's recommendation. He suggested that the Commission disapprove or defer until a plan is submitted along with a zone change request.

Ms. Jones expressed concerns regarding the density of the project.

Mr. Loring agreed with staff's recommendation.

Mr. Loring moved, and Mr. McLean seconded the motion to adopt staff's recommendation on zone changes 2004Z-115G-02 and 2004Z-113G-02, as well as cancellation of PUD 88P-056G-02.

Yes Votes – Loring, Ponder, McLean, Lawson

No Votes – Jones, Small, Tyler, Clifton

Upon failure of the motion to approve staff's recommendation, Mr. Small moved, and Mr. Ponder seconded the motion, to defer zone changes 2004Z-115G-02, 2004Z-113G-02 and cancellation of PUD 88P-056G-02 indefinitely, or until a planned unit development is submitted for the project. **(8-0)**

The Metropolitan Planning Commission DEFERRED INDEFINITELY Planned Unit Development 88P-056G-02. (8-0)

IX. PRELIMINARY SUBDIVISION PLATS

29. 2004S-241G-12
Burning Bush

Map 174 Parcel 96
Subarea 12 (1997)
District 32 (Coleman)

A request for preliminary plat approval of 248 lots abutting the southeast corner of Old Franklin Road and Cane Ridge Road, (78.88 acres), classified in the RS10 district, requested by JCK Development, owner/developer and Anderson-Delk Associates Inc., engineer

Staff Recommendation - *Approve with conditions*, including a variance for sidewalks along Cane Ridge Road and Old Franklin Road. Sidewalks will be provided in a pedestrian easement along these roads.

APPLICANT REQUEST

Preliminary Plat - Subdivide 78.88 acres into 248 single-family lots along the south side of Old Franklin Road and the east side of Cane Ridge Road

ZONING

RS10 District - R10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings at an overall density of 3.7 dwelling units per acre.

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 size lots (minimum 5,000 sq. ft. lots). The cluster lot option does not allow additional density, however.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 18.01 acres of open space (22.8%), which complies with this provision.

SUBDIVISION DETAILS - The project proposes three points of access from existing roads and two potential stub streets. Two new roads will connect to Old Franklin Road and one will connect to Cane Ridge Road. There is also a stub-street connection to the Waterford Estates subdivision to the east that was recently approved by the Planning Commission.

The plan includes 19 critical lots due to steep topography. These lots will require approval of individual grading plans prior to the issuance of any building permits.

The lots fronting Cane Ridge Road, classified as a U4 roadway on the Major Street Plan, include joint-access driveways, as is required by the Subdivision Regulations.

Sidewalk Variance - The proposed plan includes 5-foot wide pedestrian easements along Cane Ridge Road and along Old Franklin Road. Staff recommends approval of the variance to allow sidewalks to be built with alternative design standards to account for the rural nature of the roads, as they exist today. The Planning Commission has approved several of these types of public pedestrian paths along Barnes Road in the past year. Staff does recommend approval of the variance with a condition that the final plats label these easement as: "5 foot wide public pedestrian easement for sidewalks."

TRAFFIC

PUBLIC WORKS' RECOMMENDATION - The TIS has been reviewed by Public Works and the following conditions are recommended for approval of this project.

1. The developer shall construct a westbound left turn lane with a 75 foot storage length and an 11 foot travel lane for a turn lane and transition per AASHTO on Old Franklin Road at both eastern and western project access roads.
2. The developer shall construct an improved rural cross section roadway along Cane Ridge Road from the intersection of Old Franklin Road to the southwest property corner. Using the existing pavement and base,

the developer shall widen the driving surface to two 12 foot travel lanes and two 4 foot paved shoulders. He shall also install a left turn lane with an 11 foot travel lane and 75 foot storage length at the entrance of Cane Ridge Road. A new surface coat (1 ½" 411-D mix) will be installed over the newly created section (24 feet) plus the turn lane. He shall reserve right-of-way for ½ of a U-4 arterial. The sidewalk along Cane Ridge Road is to be a side path located at the future right-of-way line. Design to be approved with the construction plans.

3. The 3 subdivision access roads shall be constructed with 1 entering lane and 2 exit lanes for left turns and right turns with a minimum of 50 feet of storage length. Vegetation shall be removed to provide adequate site distance at the access road intersections.
4. Improvements to Cane Ridge Road are to be bonded with the first phase and completed prior to the occupancy of the 75th unit.
5. Improvements and left turn lanes to Old Franklin Road are to be bonded and constructed with the first phase where connection is made to Old Franklin Road.

CONDITIONS

1. All new roads shall include a 5-foot wide public sidewalk built to Metro Standards.
2. All Public Works conditions listed above must be met.
3. The final plats shall label the pedestrian easements along Cane Ridge Road and Old Franklin Road as: “ five (5) foot wide public pedestrian easement for sidewalks.”

Approved with conditions **(9-0)**, *Consent Agenda*

Resolution No. 2004 –291

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-241G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The developer shall construct a westbound left turn lane with a 75 foot storage length and an 11 foot travel lane for a turn lane and transition per AASHTO on Old Franklin Road at both eastern and western project access roads.
2. The developer shall construct an improved rural cross section roadway along Cane Ridge Road from the intersection of Old Franklin Road to the southwest property corner. Using the existing pavement and base, the developer shall widen the driving surface to two 12 foot travel lanes and two 4 foot paved shoulders. He shall also install a left turn lane with an 11 foot travel lane and 75 foot storage length at the entrance of Cane Ridge Road. A new surface coat (1 ½" 411-D mix) will be installed over the newly created section (24 feet) plus the turn lane. He shall reserve right-of-way for ½ of a U-4 arterial. The sidewalk along Cane Ridge Road is to be a side path located at the future right-of-way line. Design to be approved with the construction plans.
3. The 3 subdivision access roads shall be constructed with 1 entering lane and 2 exit lanes for left turns and right turns with a minimum of 50 feet of storage length. Vegetation shall be removed to provide adequate site distance at the access road intersections.
4. Improvements to Cane Ridge Road are to be bonded with the first phase and completed prior to the occupancy of the 75th unit.
5. Improvements and left turn lanes to Old Franklin Road are to be bonded and constructed with the first phase where connection is made to Old Franklin Road.
6. All new roads shall include a 5-foot wide public sidewalk built to Metro Standards.

7. The final plats shall label the pedestrian easements along Cane Ridge Road and Old Franklin Road as: “five (5) foot wide public pedestrian easement for sidewalks.”

30. **2003S-304U-03**
Perry Subdivision
Map 070-03, Parcel 01.01
Subarea 3 (1998)
District 2 (Isabel, Sr.)

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

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat - A request to revise the preliminary plat approval for 7 lots abutting the northwest terminus of Walker Lane, approximately 500 feet north of West Nocturne Drive.

The original preliminary plat was approved by the Planning Commission on April 22, 2004. The preliminary plat included the construction of the remaining unbuilt section of Walker Lane, which would connect the Haynes Heights subdivision to the north with the Nocturne Forest subdivision to the south. When the applicant’s engineer began construction plans, they discovered difficulties in the design to connect the two existing sections of Walker Lane. The current request is to cul-de-sac the north end of Walker Lane.

ZONING

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

SUBDIVISION DETAILS - This subdivision proposal is for seven lots ranging in size from 20,647 to 28,546 square feet, located in an area that currently has other RS20, RS15 and residential PUD subdivisions.

Walker Lane -After obtaining a field-run topographical survey of the property, the applicant felt that joining the two ends of Walker Lane was too difficult due to topographic constraints. The applicant has stated that the vertical curve necessary to connect the two sections would produce unfavorable driving conditions. The current proposal is to extend and terminate the north end of Walker Lane in a cul-de-sac. Public Works has verified that there would be a severe “dip” in a design to connect these two roads, and that the grading required to construct the road would produce unfavorable access to the proposed lots.

Since this request will permanently disconnect Walker Lane, one of the two unconnected sections of Walker Lane will need to be renamed.

PUBLIC WORKS FINDINGS

1. Show ROW radius for turnaround
2. Approvals are subject to PW review and approval of construction plans.
3. If a 50-ft ROW is used (with shoulder and ditch section without sidewalk), then the new road would be built with ST-255 as a residential conventional roadway.
4. One section of Walker Lane will need to be renamed prior to the release of the grading permit.

CONDITIONS

1. Comply with all Public Works conditions.

2. Submit a revised copy of the preliminary plat by September 9, 2004.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –292

“BE IT RESOLVED by the Metropolitan Planning Commission that 2003S-304U-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Show ROW radius for turnaround
2. Approvals are subject to PW review and approval of construction plans.
3. If a 50-ft ROW is used (with shoulder and ditch section without sidewalk), then the new road would be built with ST-255 as a residential conventional roadway.
4. One section of Walker Lane will need to be renamed prior to the release of the grading permit.
5. Submit a revised copy of the preliminary plat by September 9, 2004.”

X. FINAL PLATS

31. **97S-014U-03**
Forest Vale Subd.
Map 059-01, Parcels 28-34
Subarea 3 (1998)
District 1 (Gilmore)

A recommendation from the Metropolitan Department of Law to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal's Lane (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. The original plat was approved without the required sewer line extension being built or properly bonded.

The Metropolitan Planning Commission DEFERRED Final Plat 97S-014U-03 indefinitely at the request of the applicant. (9-0)

32. **2004S-133U-03**
Dylan Downs
Map71-01, Parcel 47
Subarea 3 (1998)
District 2 (Isabel)

A request for final plat approval to create 2 lots from one parcel, located abutting the north side of Yokley Road, approximately 300 feet west of Old Matthews Road (.34 acres) located in the RS7.5 district, requested by DY Properties, II, LLC, owner and Dale & Associates, Surveyor.

Staff Recommendation - Approval, including a sidewalk variance.

APPLICANT REQUEST - Final Plat

Subdivide one residential lot into two lots with a sidewalk variance, located on the north side of Yokley Road.

ZONING

RS7.5 District - RS7.5 zoning requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

PUBLIC WORKS RECOMMENDATION - No exceptions taken.

SIDEWALK VARIANCE - The applicant has requested a sidewalk variance because no sidewalks exist currently in the neighborhood, and because a steep slope that exists just outside of the roadway pavement. The applicant believes that a retaining wall would be required and that trees would have to be removed to accommodate the sidewalk construction.

A sidewalk in this location is buildable, but some cut will be required. A retaining wall is most likely necessary, as stated by the applicant. Yokley Road is 20'-6" and does not need widening. Curb and gutter would be required. The sidewalk would be a mid-block sidewalk on a dead-end road.

Staff recommends approval of the sidewalk variance. A section of sidewalk approximately 100 feet in length will require moderate reconstruction of the roadway with curb and gutter and a retaining wall for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design.

Approved with sidewalk variance (9-0), *Consent Agenda*

Resolution No. 2004 –293

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-133U-03 is **APPROVED WITH A SIDEWALK VARIANCE ALONG YOKLEY ROAD. (9-0)**”

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 33. **235-84-G-04**
Harbor Village, Phase 3
Map 034-07, Parcel 34
Subarea 4 (1998)
District 10 (Ryman)

Request to revise the preliminary plan and for final PUD approval to allow for the development of 46 single-family lots, classified R20, (8.62 acres), located north of Edenwold Road and approximately one-half mile east of Myatt Drive, as requested by Batson & Associates Engineering, applicant, for Glen F. Nabors, et ux, and Coleman Lake Partners, owner and purchaser.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Revision to Preliminary & Final

Request to revise the Council-approved Planned Unit Development to allow for the development of 26 single-family lots within Phase 3 of the existing subdivision. This 8.62-acre portion of the site is located at the terminus of Spring Branch Drive, approximately 1/4 mile east of Myatt Drive.

PLAN DETAILS

History: This residential PUD was originally adopted by the Metro Council in 1984 and allowed for the development of 46 single-family lots and 125 townhomes on 44.9-acre tract.

The PUD was revised in 1997 to bring the single-family units down from 46 to 40 lots. The current proposal keeps the number of Council-approved single-family units below 46 by proposing a total number of 42 lots. To date, 16 lots have been constructed within phase 2 (3.2 acres) of the development.

In 2002, the Metro Council approved an amendment to the PUD to allow for 93 townhome units within phase 4 of the development.

Site Details: This PUD was originally approved to allow private streets for both the townhome and single-family portions. This plan retains the private street provision, but does successfully meet all current Subdivision Regulation requirements for construction of such streets. Sidewalks were not required as part of the original PUD approval; therefore, sidewalks are not required for this phase revision.

TRAFFIC

PUBLIC WORKS’ RECOMMENDATION - Technical comments were provided to the applicant by Metro Public Works. All comments were satisfactorily addressed by the applicant.

CONDITIONS

- 1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
- 2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
- 3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
- 4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with conditions (9-0), *Consent Agenda*

Resolution No. 2004 –294

“BE IT RESOLVED by the Metropolitan Planning Commission that 235-84-G-04 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

- 1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
- 2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
- 3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
- 4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

34. **310-84-G-03**
I-24/Old Hickory Boulevard Pud
Map 40, Parcel 27

Subarea 3 (1998)
District 3 (Hughes)

A request to cancel a portion of a Commercial PUD located at Route 1 Old Hickory Boulevard, west of I-24, classified CS, (4.22 acres), approved for a bus repair facility on the adjacent parcel within the PUD, requested by George Hussey, owner.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Cancel PUD

Request to cancel a portion of an existing Planned Unit Development, approximately 4.22 acres in size, located along the north side of Old Hickory Boulevard, just west of Interstate 24.

DETAILS OF REQUEST

History - The approved preliminary PUD plan allowed for the construction of a 20,000-square foot custom coach (bus) sales and service facility on both parcels (27 & 30). In 1994, the PUD was revised to construct such facility, but was only constructed on parcel 30, which is currently owned by William and Joel Hemphill. This left the subject site, parcel 27, vacant and undeveloped.

Subarea 3 Plan Policy - The subject site is located within Commercial Mixed Concentration (CMC) calling for major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices.

Recommendation - Because the current zoning of the property, Commercial Services (CS), is consistent with the CMC land use policy, staff recommends approval of the request to cancel this portion of the existing Planned Unit Development.

Staff Note - The applicant received signed approval by the other property owner within the PUD, Joel Hemphill, to cancel the 4.22-acre portion of the PUD.

Approved (9-0), *Consent Agenda*

Resolution No. 2004 –295

“BE IT RESOLVED by the Metropolitan Planning Commission that 310-84-G-03 is **APPROVED. (9-0)**”

35. **2003P-002G-06**
Cobblestone Creek, Phase 1a
Map 41, Parcel 2
Subarea 2 (1995)
District 3 (Hughes)

A request for final approval for a phase of the Planned Unit Development district located abutting the north side of Old Hickory Boulevard, at the terminus of Autumn Ridge Drive, classified R8, (6.09 acres), to develop 25 lots, requested by M.R. Stokes, owner, and Bruce Rainey and Associates, applicant.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD approval

Request for Final PUD approval of Phase 1-A of the Cobblestone Creek PUD to allow for the development of 25 single-family lots on 6.09 acres. The property is located north of Old Hickory Boulevard and west of Brick Church Pike.

PLAN DETAILS

The final PUD plan, which is consistent with the preliminary PUD plan, proposes 25 single-family lots on 6.09 acres. Phase 1 of the PUD began the north-south construction of Cobblestone Creek roadway and approximately 175 feet of Ryan Allen Circle, which will loop through the entire subdivision. The proposed phase 1-A of the PUD extends Ryan Allen Circle further east and begins the north-south development of Daniel Ray Drive, which will run parallel to Cobblestone Creek Drive. Average lot size within the subdivision is 6,469 square feet.

TRAFFIC

PUBLIC WORKS' RECOMMENDATION - All of Metro Public Works' initial comments were addressed by the applicant. An additional comment and condition has been added by Public Works that addresses roadway improvements associated with the entire PUD plan. Public Works staff stated that the required right and left turn lanes on Old Hickory Boulevard must be constructed at Phase 1. Also, the access road at Old Hickory Boulevard must have two exiting and one entering lane as required on the preliminary PUD plan.

CONDITIONS

1. A final plat for Phase 1-A must be recorded prior to the issuance of any building permits.
2. Unless grading permits have been issued for a specified phase of development, grading and site clearing must be limited to areas of infrastructure improvement.
3. Required right and left turn lanes on Old Hickory Boulevard must be constructed at Phase 1. Also, the access road at Old Hickory Boulevard must have two exiting and one entering lane as required on the preliminary PUD plan.
4. 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.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
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.

Approved with conditions **(9-0)**, *Consent Agenda*

Resolution No. 2004 -296

"BE IT RESOLVED by the Metropolitan Planning Commission that 2003P-002G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A final plat for Phase 1-A must be recorded prior to the issuance of any building permits.
2. Unless grading permits have been issued for a specified phase of development, grading and site clearing must be limited to areas of infrastructure improvement.
3. Required right and left turn lanes on Old Hickory Boulevard must be constructed at Phase 1. Also, the access road at Old Hickory Boulevard must have two exiting and one entering lane as required on the preliminary PUD plan.

4. 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.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
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.

XIII. OTHER BUSINESS

36. Update Employee contract for David Kline

Approved (9-0), *Consent Agenda*

37. Contract for Cheryl Hunter-Grah for Professional Planning Services

The Commission withdrew the contract for Cheryl Hunter-Grah as requested by the applicant (9-0).

38. Executive Director Reports

39. Legislative Update

40. Addendum – Set September 23, 2004, public hearing for proposed amendments to Subdivision Regulations regarding sidewalk provisions.

Approved (9-0), *Consent Agenda*

XIV. ADJOURNMENT

The meeting adjourned at 7:35 p.m.



Chairman

Secretary