

MINUTES
OF THE
METROPOLITAN PLANNING COMMISSION

Date: December 12, 2002
Time: 1:00 p.m.
Place: Howard Auditorium

Roll Call

Present:

James Lawson, Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
James McLean
Ann Nielson
Douglas Small, Vice Chairman
Councilmember John Summers
Joe Sweat, Mayor's Designee
Victor Tyler

Absent:

Staff Present:

Richard C. Bernhardt, Executive Director
Jerry Fawcett, Planning Manager 2
Kathryn Fuller, Planner 2
Ann Hammond, Assistant Executive Director/Planning
Marcus Hardison, Planner 1
Lee Jones, Planner 1
David Kleinfelter, Planner 3
Jeff Lawrence, Assistant Executive Director/Operations
Robert Leeman, Planner 2
Anita McCaig, Planner 2
Preston Mitchell, Planner 2
Carolyn Perry, Administrative Assistant
Marty Sewell, Planner 2
Abby Scott, Planner 1
Brian Wallace
Cynthia Wood, Planner 3
Chris Wooton, Planning Technician 1

Others Present:

Ali Afis, Public Works
Brook Fox, Legal Department
Chris Koster, Mayor's Office

Chairman Lawson called the meeting to order.

ADOPTION OF AGENDA

Staff announced the following changes to the agenda:

Add as item 45. MPO contracts and change Legislative Update to item 46.

Ms. Nielson moved and Vice Chairman Small seconded the motion, which unanimously passed, to adopt the agenda.

APPROVAL OF MINUTES

Mr. McLean moved and Ms. Nielson seconded the motion, which unanimously passed, to approve the minutes of the regular meeting of November 14, 2002, delete Mayor Bill Purcell from the Absent list and list Joe Sweat as the Mayor's Designee.

RECOGNITION OF COUNCILMEMBERS

Councilmember Ponder spoke regarding the following items:

- 15. 2002S-289G-14, concerns regarding road conditions and coordination with Wilson County.
- 16. 2002S-300G-14, requested removal from consent agenda because of concerns regarding water pressure and roads.
- 33. 93P-023G-13, received no complaints from his constituents.

Councilmember Bruce Stanley spoke in favor of item 21. 155-74-G-14 and stated he held a community meeting in which all concerns were addressed.

Councilmember Janis Sontany spoke regarding item 17. 2002S-302U-12, and stated she had received complaints regarding traffic, property values and overcrowding schools.

Councilmember Bogen asked to speak when his items 5. and 6. came up in the meeting.

Councilmember Eileen Beehan spoke in favor of item 13. 2002Z-127U-05.

Councilmember Brenda Gilmore asked that item 8. 2002Z-122G-03 be removed from the consent agenda.

Councilmember Lynne Williams stated that attendance at Percy Priest Elementary School is declining in number and she had thought this zoning change might be good for the neighborhood. She held a community meeting and there was a consensus for no more building in the area. She presented a petition in opposition and stated she did not support the proposed change.

PUBLIC HEARING: ANNOUNCEMENT OF DEFERRED ITEMS AND WITHDRAWN ITEMS

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

- 13. 2002Z-124G-12, deferred indefinitely.
- 14. 2002Z-128U-10, deferred until January 9, 2003.
- 19. 2002S-339U-10, deferred until January 9, 2003.
- 20. 2002S-342G-12, deferred until January 9, 2003.

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

PUBLIC HEARING: ADOPTION OF CONSENT AGENDA

Note: Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

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

ZONING MAP AMENDMENTS

- 7. **2002Z-121U-03**
 Map 71-2, Parcel 88
 Subarea 3 (1998)
 District 2 (Black)

A request to change from OR20 district to CL district property at 2404 Brick Church Pike, approximately 110 feet south of Avondale Circle, (0.6 acres), requested by Michael P. Ott, owner.

Project No. Zone Change 2002Z-121U-03
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 0.6 acres from Office/Residential (OR20) to Commercial Limited (CL) at 2404 Brick Church Pike.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 3 PLAN POLICY

Commercial Mixed

Concentration (CMC) CMC policy is intended for medium-high to high density residential and retail uses.

Policy Conflict

None. The CL district is consistent with the intent of the CMC policy. This property is the last remaining parcel along this portion of Brick Church Pike that is not zoned CL. The existing OR20 zoning is also consistent with the CMC policy but the requested CL district is more in keeping with the character of the area.

RECENT REZONINGS Yes. MPC recommended approved on 6/7/01 (2001Z-053U-03) rezoning parcel 141 from R10 to CL. Metro Council approved the bill on 9/26/01.

TRAFFIC Based on typical uses in CL districts, with on site parking and 10,000 sq. ft. of development per acre used to calculate traffic generation, such as a convenience market, office building, and retail apparel shop, approximately 166 to 4,437 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's

Findings No recommendations were received from the Public Works Department by the staff report deadline

Resolution No. 2002-430

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-121U-03 is **APPROVED (10-0)**:

The proposed CL district is consistent with the Subarea 3 Plan’s Commercial Mixed Concentration (CMC) policy along this portion of Brick Church Pike.”

- 9. 2002Z-123U-08**
- Map 82-5, Parcel 121
- Map 82-9, Parcel 108
- Subarea 8 (1995)
- District 20 (Haddox)

A request to change from IR district to MUN district property at 300 Van Buren Street and 1402 4th Avenue North, approximately 50 feet north of Taylor Street, (0.28 acres), requested by Harry E. Lawrence, applicant, for Lawrence Brothers, LLC, and Will Goodman, owners.

Project No. Zone Change 2002Z-123U-08
Associated Case None
Council Bill BL2002-1260
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 0.28 acres from Industrial Restrictive (IR) to Mixed Use Neighborhood (MUN) at 1402 4th Avenue North and 300 Van Buren Street.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 8 PLAN POLICY

Neighborhood Urban (NU) **NU policy is calls for a mixture of residential and neighborhood scale commercial development.**

Policy Conflict

None. The Subarea 8 Plan defines this area as NU policy. This property is also within the Germantown Detailed Neighborhood Design Plan (DNDP). 1402 4th Ave. North, is located within a Mixed Live/Work area of the DNDP. 300 Van Buren Street is located within an area of the DNDP that has two alternative land use categories: “Parks Reserves and other Open Space,” and “Mixed Live/Work.” The proposed MUN zoning is consistent with the intent of the NU and Mixed live/Work policy.

RECENT REZONINGS Yes. The Planning Commission recommended approval to change parcel 14 from R6 to MUN on 10/24/02 (2002Z-108U-08). There has been no Metro Council action for this proposal as of yet.

TRAFFIC Based on typical uses in MUN districts, this proposed zoning would generate approximately 13 to 67 trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s

Findings No recommendations were received from the Public Works Department by the staff report deadline.

Resolution No. 2002-431

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-123U-08 is **APPROVED (10-0)**:

The proposed MUN district is consistent with the Subarea 8 Plan’s Neighborhood Urban (NU) policy and the Germantown Detailed Neighborhood Design Plan calling for mixed live/work policy.”

12. 2002Z-126U-08
Map 92-2, Parcel 31
Subarea 8 (1995)
District 21 (Whitmore)

A request to change from CN district to MUN district property at 945 28th Avenue North, abutting the western margin of 28th Avenue North, (0.17 acres), requested by James L. Dickerson of Martin Luther King Lodge #361, applicant, for John H. Otey, owner.

Project No. Zone Change 2002Z-126U-08
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 0.17 acres from Commercial Neighborhood (CN) to Mixed Use Neighborhood (MUN) at 945 28th Avenue North.

Existing Zoning

CN zoning CN zoning is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

Proposed Zoning

MUN zoning MUN is intended for lower intensity mixed-use development with bulk standards that are designed to maintain a residential-scale of development.

SUBAREA 8 PLAN POLICY

Neighborhood Center (NC) The NC policy is intended for mixed residential uses, civic activities, and low-rise public benefit uses. This property is also located in the Hadley Park Neighborhood detailed design plans Mixed-Use (MU) area. The MU policy calls for a mixture of residential uses and commercial uses at a residential scale.

Policy Conflict None. The MUN district allows residential, commercial, and civic activities, which is consistent with the intent of the NC and the MU policy area. This property is located at the intersection of 28th Avenue North and Albion Street, between I-40 and Hadley Park. Currently there is a vacant residence on the property, which is adjacent to structure that houses a small retail shop and a hair salon. The applicants are requesting this zone change because the existing CN zoning will not allow their proposed lodge hall.

RECENT REZONINGS None

TRAFFIC Based on typical uses in MUN zoning such as office, multi-family, retail or restaurant approximately 20 to 222 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Finding No recommendations were received from the Public Works Department by the staff report deadline.

Resolution No. 2002-432

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-126U-08 is **APPROVED (10-0)**:

The proposed MUN is consistent with the Subarea 8 Plan’s Neighborhood Center (NC) policy intended for mixed residential uses, civic activities, and low-rise public benefit uses. MUN is also

consistent with the Hadley Park Neighborhood detailed designed plan’s Mixed-Use (MU) area calling for a mixture of residential and commercial uses at a residential scale.”

PRELIMINARY SUBDIVISION PLATS

18. 2002S-329G-12
Indian Creek Addition
Map 181, Parcel 36
Subarea 12 (1997)
District 31 (Knoch)

A request for preliminary plat approval for 156 lots abutting the south margin of Culbertson Road, approximately 1,726 feet southwest of Old Hickory Boulevard, (43.35 acres), classified within the RS10 district, requested by H. Maxine Sullivan, owner/developer, Anderson-Delk and Associates, Inc., surveyor.

Project No. Subdivision 2002S-329G-12
Project Name Indian Creek Addition
Associated Cases Subdivision 2002S-082G-12 Sundown Green (formerly Greenway)
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 43.35 acres into a 156-lot cluster lot subdivision, at a proposed density of 3.6 dwelling units per acre.

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

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 5,705 square feet to nearly 15,471 square feet.

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 applicant successfully complies with this requirement by proposing a total of 8.85 acres (20.4%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Previous Application Subdivision 2002S-082G-12 Sundown Green (formerly Greenway) was disapproved by the Planning Commission on April 25, 2002 primarily because the subdivision proposal used Culbertson Road as its primary access. This proposal restricts access to Culbertson Road.

Critical Lots This particular property contains steep slopes, and is within the Mill Creek floodplain. There are 48 lots in this subdivision designated as critical lots due to steep topography or flood plain, requiring individual review and approval of the grading plans for each lot by the Metro Water Services Stormwater Management division, Public Works, and Metro Planning Department staffs prior to the issuance of building permits.

Greenway Easement The developer will dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway.

State Approval A letter from the Tennessee Department of Environment and Conservation has been submitted to Storm Water Management authorizing the downgrading and alteration of a blue-line stream

and draining of the farm pond that currently exists on the site. The letter goes on to state that extreme care must be utilized during this project to prevent any adverse impacts to Mill Creek. LAW Engineering and Environmental Services performed a survey for the federally endangered Nashville crayfish on the stream and farm pond. A letter has been submitted to Public Works indicating that the survey resulted in no collection of the Nashville crayfish.

Access The Planning Commission approved rezoning this property in 1998 subject to no access from this property to Culbertson Road. The access to this subdivision will be through future phases of Indian Creek Subdivision to the east and Autumn Oaks Subdivision to the west. Currently, Stecoah Street and Santeelah Way in the Indian Creek Subdivision have been constructed up to the boundary of this property. However, these streets have not been platted. The development of this subdivision will be dependent on the platting of those streets.

TRAFFIC

Traffic Study Submitted No

Traffic Engineer's Recommendation **No access to Culbertson Road.**

CONDITIONS

There will be no access to Culbertson Road, including construction traffic, until Culbertson Road is improved from Nolensville Road to Old Hickory Boulevard to the adopted Metro Standards for a Collector Road. All access to the site shall be through the neighboring subdivisions of Indian Springs and Autumn Oaks.

The developer will dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway.

A sidewalk variance will be granted for Culbertson Road. Culbertson Road eventually will be closed to vehicular traffic in order to be a dedicated greenway trail. To add sidewalks in this section of Culbertson Road would require widening and construction of a curb and gutter system that would be unnecessary once the road is abandoned.

With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, public utilities and signage that will be located every 100 feet behind lots 142-156 indicating that a future greenway is planned in the area.

Resolution No. 2002-433

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-329G-12, is **APPROVED WITH CONDITIONS (10-0)**.

Staff recommends approval subject to the following condition:

1. There will be no access to Culbertson Road, including construction traffic, until Culbertson Road is improved from Nolensville Road to Old Hickory Boulevard to the adopted Metro Standards for the adopted Metro Standards for a Collector Road. All access to the site shall be through the neighboring subdivisions of Indian Springs and Autumn Oaks.
2. The developer will dedicate the Mill Creek floodway on the property as a public open space/conservation easement for the future Mill Creek greenway.
3. A sidewalk variance will be granted for Culbertson Road. Culbertson Road eventually will be closed to vehicular traffic in order to be a dedicated greenway trail. To add sidewalks in this section of Culbertson Road would require widening and construction of a curb and gutter system that would be unnecessary once the road is abandoned.
4. With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, public utilities and signage that will be located every 100 feet behind lots 142-156 indicating that a future greenway is planned in the area.”

PLANNED UNIT DEVELOPMENT (revisions)

21. 155-74-G-14
Larchwood Commercial
Map 97-13, Parcel 34
Subarea 14 (1996)
District 14 (Stanley)

A request to revise a portion of the Commercial Planned Unit Development District located abutting the south margin of Percy Priest Drive and the north margin of Blackwood Drive, classified within the CL district, (11.11 acres), to permit the development of a 92,800 square foot retail, office, restaurant, motel and medical office center, to replace an undeveloped 87,200 square foot retail and restaurant development, requested by Ragan-Smith Associates for Nashville Land Fund LTD, owner.

Project No. PUD 155-74-G-14
Project Name Larchwood Commercial
Council Bill None
Associated Cases None
Deferral This item was deferred at the November 14, 2002, Planning Commission meeting in order to allow time for a community meeting.
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

To permit 92,800 square feet of retail, restaurant, office, hotel and medical office uses in 8 buildings on 11.11 acres, replacing 87,200 square feet of retail and restaurant uses.

Existing Zoning

CL/Commercial PUD Preliminary PUD plan is approved for 87,200 square feet of retail and restaurant uses on this portion of the PUD. The overall PUD is currently approved for 471,948 square feet, including retail, restaurants, gas station, office, car wash, hotel, and a building materials use. The underlying CL base zoning permits the proposed uses, while the preliminary PUD plan also permits these changes as a revision.

PLAN DETAILS

The proposed plan revises a portion of the existing PUD to change from a retail center containing a 38,000 square foot building materials store, a 43,100 square foot building with specialty shops retail, and restaurants to an office, 92,800 square feet of retail/restaurant uses, office, medical office, and a hotel use. Although this revision increases the square footage on this portion of PUD, it does not exceed 10% of the overall square footage last approved by the Metro Council, therefore, a PUD amendment is not required.

The proposed plan provides the required landscape buffer yards separating this development from the adjacent residential subdivision, while the proposed uses are consistent with the CL base zoning and uses approved by the Council originally.

TRAFFIC

Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

59,000 square feet of office uses = 650 trips per day
14,000 square feet of retail = 596 trips per day

Traffic Engineer's

Findings

The Metro Traffic Engineer is requiring the following traffic improvement to be completed or bonded prior to the recordation of a final plat for this phase of the PUD:
Provide left turn lane on Blackwood Drive to serve the proposed road and the proposed driveways.
Removal of part of the existing median to accomplish this is recommended.

CONDITIONS The following traffic improvement to be completed or bonded prior to the recordation of a final plat for this phase of the PUD:

Prior to final plat recordation for this phase of the PUD, a left turn lane on Blackwood Drive to serve the proposed road and the proposed driveways. Removal of part of the existing median to accomplish this is recommended.

Prior to the issuance of any permits, the Stormwater Management Division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of preliminary/final approval of this proposal to the Planning Commission.

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.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Resolution No. 2002-434

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 155-74-G-14 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to final plat recordation for this phase of the PUD, a left turn lane on Blackwood Drive to serve the proposed road and the proposed driveways. Removal of part of the existing median to accomplish this is recommended.
2. Prior to the issuance of any permits, the Stormwater Management Division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of preliminary/final approval of this proposal to the Planning Commission.
3. 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.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

22. 9-77-U-12
Wal-Mart Neighborhood Market
Map 161, Parcel 32
Subarea 12 (1997)
District 32 (Jenkins)

A request for final approval for a phase of the Commercial Planned Unit Development district located abutting the northwest corner of Edmondson Pike and Old Hickory Boulevard, classified within the SCR district, (7.302 acres), to permit the development of a 40,000 square foot retail grocery store, requested by Gresham, Smith and Partners, for Albertson's, Inc., owner.

Project No. Planned Unit Development 9-77-U-12
Project Name Edmondson Commercial Center PUD
Wal-Mart Neighborhood Market
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with Conditions*

APPLICANT REQUEST

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

Request for final PUD approval for the Edmondson Commercial Center PUD to allow for the reconstruction of a smaller grocery store.

PLAN DETAILS The latest revision to the preliminary, approved on October 10, 2002, allows for the development of the 40,000 sq. ft. grocery store to replace the existing 60,000 sq. ft. store. The previous revision to the preliminary, approved in 1989, allowed for the development of a 60,000 sq. ft. grocery store, 11,000 sq. ft. of attached retail, and 1,800 sq. ft. of fuel service station. The construction of the grocery store and retail brought total square footage to 70,480, approximately 2,300 sq. ft. under the allowable maximum.

The applicant’s plan proposes a 39,910 sq. ft. grocery store, to be constructed by Wal-Mart, and proposes to leave the existing 10,480 sq. ft. of attached retail unaffected. A fuel pumping area was approved with the latest revision to the preliminary, but is not a part of this request for final PUD approval. Required parking for the fuel station can be accommodated within the existing parking lot. The only major revision to the parking lot is the proposed location of handicapped parking stalls directly in front of the grocery store.

TRAFFIC ENGINEER’S

FINDINGS Recommend approval. The applicant has proposed new sidewalks along Edmondson Pike in accordance with current Metro Public Works’ design standards.

CONDITIONS

Before the issuance of any permits, the Stormwater Management Division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.

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.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Resolution No. 2002-435

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 9-77-U-12 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Before the issuance of any permits, the Stormwater Management Division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

23. 113-78-U-07
 Mary Queen of Angels Residential PUD
 Map 103-15, Parcel 1
 Subarea 7 (2000)
 District 24 (Summers)

A request for a variance to the zoning code, Section 17.32.090, (Sign Ordinance), to permit an 11' 3" sign, 8 foot maximum height permitted, for the Residential Planned Unit Development district located abutting the northeast corner of White Bridge Road and Post Road, requested by Mary Queen of Angels, owner.

Project No. Planned Unit Development 113-78-U
 Project Name Mary Queen of Angels PUD
St. Mary's Campus
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD** **Variance within a PUD**

Request for a variance to Section 17.32.090 (Community facility on-premises signs) of the Zoning Ordinance to allow for an 11 foot 3 inch non-illuminated monument sign within the RM40 zoning district, which allows a maximum sign height of 8 feet.

PROPOSAL DETAILS Since this sign is located within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over variance requests.

The applicant is proposing an 11-foot, double-face, non-illuminated monument sign within the RM40 district. It is to be placed along White Bridge Road for the St. Mary's Campus. The applicant is not seeking a variance for the required street setback of 15 feet. This sign will be the only ground sign on the lot.

Staff recommends approval of this variance because of the adequate street frontage and the fact that this will be the only monument sign for this facility along White Bridge Road.

Resolution No. 2002-436

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 113-78-U-07 is APPROVED (10-0).”

24. 28-79-G-13
Hickory Manor Apartment
Map 163, Parcel 128
Subarea 13 (1996)
District 28 (Alexander)

A request to revise the preliminary plan and for final approval for Phase Two of the Residential Planned Unit Development district located abutting the west margin of Hamilton Church Road, 430 feet north of Zelida Avenue, classified within the R15 district, (6.40 acres), to permit the development of 68 multi-family units to replace the 42 multi-family units currently approved, requested by BA Engineering, for Hickory Manor Ltd., owner.

Project No. Planned Unit Development 28-79-G-13
Project Name Hickory Manor Apartments Phase II
Council Bill None
Associated Cases None
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

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

Revision to the preliminary and final PUD to permit the development of 68 multi-family units replacing the approved plan for 42 multi-family units.

Existing Zoning

R15 R15 is intended for single-family and duplex residential units at 2.47 units per acre.

PLAN DETAILS

This phase of the development was approved by the Metro Council for 240 multi-family units. Prior to the approval for the 42 units of Phase II, the developer had approval for 153 units. The applicant is now requesting to change the currently approved 42 units to 68 units, which will make the total development 221 units, or 19 units below the original Metro Council approved 240 units.

The plan submitted shows 99 parking spaces. Current Code requirements for 48 two-bedroom and 29 three-bedroom units however, would be 146 parking spaces. See condition #1, below.

The applicant is providing all required landscaping and drainage details.

TRAFFIC

Based on the proposed 68 units, approximately 448 trips per day could be generated by this use (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

CONDITIONS

Prior to the issuance of any building permits, a revised final PUD plan must be submitted to Planning Department staff for review that meets current codes requirements for parking.

Prior to the issuance of any building permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.

Prior to the issuance of any building permits the recording of a revised final subdivision plat for parcels 365 and 128 on map 163 to provide a joint access easement from Hamilton Church Road through parcel 365 to 128.

Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Deviation from these plans will require reapproval by the Planning Commission.

Resolution No. 2002-437

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No.28-79-G-13 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to the issuance of any building permits, a revised final PUD plan must be submitted to Planning Department staff for review that meets current codes requirements for parking.
2. Prior to the issuance of any building permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
3. Prior to the issuance of any building permits the recording of a revised final subdivision plat for parcels 365 and 128 on map 163 to provide a joint access easement from Hamilton Church Road through parcel 365 to 128.
4. Prior to the issuance of any building permits, the requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans, as approved by the Planning Commission, will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Deviation from these plans will require reapproval by the Planning Commission.”

25. 103-79-G-14
 Riverfront Shopping Center
 Map 53, Parcel 41
 Subarea 14 (1996)
 District 11 (Brown)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development district located abutting the south margin of Robinson Road, opposite Martingale Drive, classified within the R10 district, (1.27 acres), to permit the development of a 13,500 square foot office and warehouse to replace the undeveloped 15,000 square foot retail facility, requested by Batson & Associates, for Scott Means, owner.

Project No. Planned Unit Development 103-79-G-14
 Project Name Riverfront Shopping Center
Council Bill None
Associated Case None
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary plan and for final PUD approval for a portion of the Commercial Planned Unit Development to permit a 13,500 square foot office and warehouse, with 6,000

square feet for office uses and 7,500 square feet for warehouse uses. This request replaces an undeveloped 15,000 square foot retail sales facility.

Existing Zoning

R10/Commercial PUD The property is currently zoned Commercial PUD with a base zoning of R10. The existing Commercial PUD is a grandfathered plan approved for office, retail, mini-storage warehouse and restaurant uses in 1979. This portion of the PUD plan is currently undeveloped.

TRAFFIC Access to this parcel within the PUD is from an internal drive that intersects with Robinson Road.

Traffic Engineer’s Findings Approve

CONDITIONS

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans 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.

Resolution No. 2002-438

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 103-79-G-14 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

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

26. 139-80-U-08
Schrader Acres Assisted Living Center
Map 81, Parcel 55
Subarea 8 (1995)
District 21 (Whitmore)

A request to revise a portion of the preliminary plan and for final approval for the Residential Planned Unit Development district located abutting the north margin of Schrader Lane, west of Ed Temple Boulevard, classified within the R6 district, (4.09 acres), to permit the development of a 38 unit assisted living and independent living facility, 26 units for final approval with this request and 12 future units to replace a 120 residential unit for the elderly of which 22 units have been constructed, requested by AMEC, for Schrader Lane Church of Christ, owner.

Project No. Planned Unit Development 139-80-U-08
Project Name Schrader Acres Assisted Living Center
Council Bill None
Associated Case None
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary plan and for final approval to permit an assisted living facility with 26 units. This plan includes a future 12-unit addition to the facility. The 38 units replace 98 undeveloped units on the preliminary plan for phase II.

Existing Zoning

R6/Residential PUD The property is currently zoned R6/Residential PUD overlay.

PLAN DETAILS

The original Residential PUD was approved with 120 units and approximately 7.97 acres. Phase I of the approved PUD includes an independent living facility with 22 units and is already constructed and occupied.

Since the original approval, Ed Temple Boulevard was constructed and now bisects the original PUD, leaving 4.08 acres on the south side of Ed Temple Boulevard within the PUD. The balance of the property, located on the northeast side of Ed Temple Boulevard within the PUD, was sold to the State of Tennessee Board of Regents.

The approved uses in the PUD are independent living facilities and foster homes.

The proposed plan is consistent with the approved preliminary plan in terms of building location, access, and uses.

Traffic Engineer's Findings Approval

CONDITIONS

The owner must notify the State of Tennessee Board of Regents, owner of the balance of the property located within the PUD, of this request. The letter must be sent by certified mail and a copy be provided to the Planning Department prior to the Planning Commission meeting.

A drainage easement must be added by instrument or a consolidation plat for the three parcels owned by Schrader Lane Church is required prior to the issuance of building permits.

30% of the capacity fee must be paid prior to final PUD approval.

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans 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.

Resolution No. 2002-439

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 139-80-U-08 **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. The owner must notify the State of Tennessee Board of Regents, owner of the balance of the property located within the PUD, of this request. The letter must be sent by certified mail and a copy be provided to the Planning Department prior to the Planning Commission meeting.
2. A drainage easement must be added by instrument or a consolidation plat for the three parcels owned by Schrader Lane Church is required prior to the issuance of building permits.
3. 30% of the capacity fee must be paid prior to final PUD approval.
4. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
5. 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.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
7. 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.
8. 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 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.”

27. 269-84-G-14
Tulip Grove Center
Map 75-4, Parcel 246
Subarea 14 (1996)
District 11 (Brown)

A request to revise a portion of the preliminary plan and for final approval for Phase Three of the Commercial Planned Unit Development district located abutting the south margin of Lebanon Pike, west of Tulip Grove Road, classified within the R10 district, (3.04 acres), to permit the development of a 3,500 square foot bank to replace an undeveloped 8,312 square foot retail facility, requested by ETI Corporation, for Hermitage Development LLC, owner.

Project No. Planned Unit Development 269-84-G
Project Name Tulip Grove Center

Council Bill None
Associated Case None
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

This request is to revise a portion of the preliminary plan and for final PUD approval for phase 3 of the Commercial Planned Unit Development to permit a 3,500 square foot financial institution with five drive-thru lanes, replacing an undeveloped 8,312 square foot retail facility.

Existing Zoning

R10 district/Commercial PUD The property is currently zoned R10 with a Commercial PUD overlay. The existing Commercial PUD is a grandfathered plan approved in 1984. The proposed use for this PUD is consistent with the Council approved plan, which included an office use. This portion of the PUD plan is currently undeveloped.

PLAN DETAILS

Phase 3 of the Tulip Grove Center PUD contains floodway from Scott’s Hollow Branch, a tributary of Stones River, on the southern portion of the parcel. The floodway is labeled on the final PUD plan as a conservation easement. At this time, the Parks Department has indicated there are no plans for a greenway and trail on this portion of Scott’s Hollow Branch, therefore the Parks Department will not maintain this area. However, there is a possibility that a trail could be built in the future within the floodway and 50’ buffer that will be protected with the easement on the property.

The proposed plan is consistent with the approved preliminary in terms of building location, access, and uses.

TRAFFIC ENGINEER’S FINDINGS Approval

CONDITIONS 1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission. 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.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans 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.

Resolution No. 2002-440

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 269-84-G-14 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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

28. 306-84-U-12
 Wilson Inn Suites
 Map 160, Parcel 56
 Subarea 12 (1997)
 District 32 (Jenkins)

A request for a height variance to Section 17.32.130 (Sign Regulations) of the zoning code for a portion of the Commercial Planned Unit Development district located abutting the east margin of Franklin Pike Circle, approximately 500 feet west of Old Hickory Boulevard, classified within the CL district, to permit a ground sign of 75 feet in height to replace the existing 50 foot sign, requested by Roberts Sign Services, for Brentwood Hotel Company LLC, owner.

Project No. Planned Unit Development 306-84-U
 Project Name Wilson Inn & Suites PUD
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST

Preliminary PUD Revised Preliminary Revised Preliminary & Final PUD
 Final PUD **Amend PUD** **Cancel PUD** **Variance within a PUD**

Request for a variance to Section 17.32.130 (On-premises signs – CL, CS, CA, CF, SCC, SCR, IWD, IR, and IG) of the Zoning Ordinance to allow for a 75-foot pole sign within the CL zoning district. Section 17.32.130 allows a maximum on-premises sign height, in the CL district, of 50 feet if the site is located within 1,000 feet of a controlled access highway.

PROPOSAL DETAILS Since this sign is located within a Planned Unit Development district, the Planning Commission will make a recommendation on the requested variance to the Board of Zoning Appeals (BZA). The BZA has jurisdiction over variance requests.

The applicant is proposing a 75-foot, double-face pole sign within the CL district. This sign will replace the existing pole sign as the only sign on the site.

Staff recommends approval of this variance because of the significant grade change between the adjacent interstate and this site. The facility and associated sign are approximately 40 feet below the interstate.

Resolution No. 2002-441

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 306-84-U-12 is **APPROVED (10-0).**”

29. 18-86-P-14
River Trace Estates
Map 62, Part of Parcel 9
Subarea 14 (1996)
District 14 (Stanley)

A request for final approval for a portion of the Residential Planned Unit Development district located abutting the southwest corner of Paddlewheel Drive and Longfellow Drive, classified within the RS10 district, (.5 acres), to permit the development of a new overflow parking/recreation area, requested by Dale & Associates, for River Trace Homeowners Association, owner.

Project No. Planned Unit Development 18-86P-14
Project Name River Trace Estates
Council Bill O88-215
Associated Cases None
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

Final PUD request to approve the proposed overflow parking lot/recreation area.

Existing Zoning

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

PLAN DETAILS

This portion of the PUD was created when the addition of right-of-way for the extension of Paddle Wheel Drive was approved. This property was originally designated as open space, but when the right-of-way was dedicated 6,100 sq. ft. were taken from this piece and it was change to overflow parking and recreational space.

The overflow parking will provide 25 parking spaces. Of the 25 spaces, 3 will be adequate for small boat parking and other recreational vehicles.

The applicant is also providing the required landscaping and buffering.

TRAFFIC

Traffic Engineer’s Findings Approve

CONDITIONS

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.
The Homeowner’s Association must maintain all medians within the Public right-of-way and an agreement must be signed and approved by Public Works with any final plat that includes a median.

Resolution No. 2002-442

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 18-86-P-14 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.
6. The Homeowner’s Association must maintain all medians within the Public right-of-way and an agreement must be signed and approved by Public Works with any final plat that includes a median.”

30. 88P-009G-12
Autumn Oaks, Phase Seven
Map 181-10, Part of Parcel 43
Subarea 12 (1997)
District 31 (Knoch)

A request for final approval for a phase of the Residential Planned Unit Development district located abutting the east margin of Nolensville Pike, south of Culberson Road, classified within the R20 district, (4.26 acres), to permit the development of 18 single-family lots, requested by Wamble & Associates, for Autumn Oaks, LLC, owner.

Project No. **Planned Unit Development 88P-009G**
Project Name Autumn Oaks Phase 7
Council Bill None
Associated Cases None
Staff Reviewer Hardison

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

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

Final PUD request for 18 single-family lots at a density of 4.2 units per acre.

Existing Zoning

R20 R20 is intended for single-family and duplex residential units at 4.94 units per acre.

PLAN DETAILS The proposed plan is for 18 single-family lots for phase 7 of the Autumn Oaks.

The applicant is providing all required landscaping and drainage details.

TRAFFIC Based on typical development with R20 zoning, approximately 172 trips per day could be generated by this use (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's Findings Approve

CONDITIONS

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.

The Homeowner's Association must maintain all medians within the Public right-of-way and an agreement must be signed and approved by Public Works with any final plat that includes a median.

Resolution No. 2002-443

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-009G-12 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
5. Prior to the issuance of any building permits, a final plat must be recorded including any necessary bonds for sidewalks and public improvements.
6. The Homeowner's Association must maintain all medians within the Public right-of-way and an agreement must be signed and approved by Public Works with any final plat that includes a median.”

31. 88P-020G-04

The Woods of Neeley's Bend, Phase 2 and 3
Map 53-14, Parcel 79
Map 63-2, Parcel 137 and Part of Parcel 126
Subarea 4 (1998)
District 9 (Dillard)

A request to revise the preliminary plan for Phase 2 & 3 and for final approval for Phase Two of the Residential Planned Unit Development district located abutting the southern terminus of Comanche Run, west of Pawnee Trail, classified within the RS15 district, (26.63 acres), to permit a redesign of the

preliminary plan for 86 single-family lots, replacing 92 single-family lots, and for final approval for Phase Two for 24 single-family lots, requested by Bruce Rainey and Associates, for M. R. Stokes, owner.

Project No. PUD 88P-020G-04
Project Name The Woods of Neely's Bend, Phase 2 and 3
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

To permit the development of 86 single-family lots in Phases 2 and 3 on 26.63 acres, replacing 92 single-family lots. This request is also for final approval for 23 single-family lots in Phase 2, while the applicant is only requesting preliminary approval for 63 lots in Phase 3.

Existing Zoning

RS40/Residential PUD This is a grandfathered PUD approved by the Metro Council in 1988, for a total of 121 single-family lots, where Phase 1 has been given final approval for 29 single-family lots previously.

PLAN DETAILS

The proposed plan revises a portion of the undeveloped PUD plan approved in 1988. The proposed plan is consistent with the approved plan in terms of lot locations, street layout, and open space. The plan has been modified to accommodate slightly larger lots than were approved on the preliminary PUD plan. The lots in Phases 2 and 3 range in size from 5,000 square feet to 14,300 square feet. This is a grandfathered PUD approved under the previous zoning Code, where lots were permitted to be smaller than what the base zoning normally allows.

The plan has also been revised to add sidewalks to both sides of the new roads within the development, where the original plan only had sidewalks on one side of each road. The Subdivision Regulations were changed in December 2000 to require sidewalks on both sides of all new roads.

TRAFFIC Phases 2 and 3 will extend Comanche Run through Phase 1 of this PUD, while two additional public roads will be constructed to access Pawnee Trail and Ocoee Trail.

Traffic Engineer's

Findings No Exceptions Taken

CONDITIONS The following conditions will be made part of this approval:

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

This preliminary plan approval for the residential portion of the master plans 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.

Prior to the issuance of any building permits for Phase 2, a final plat must be recorded for Phase 2 including any necessary bonds for public improvements and including the consolidation of parcel 126 into parcel 127 and the remainder of the PUD.

Resolution No. 2002-444

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-020G-04 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

2. This preliminary plan approval for the residential portion of the master plans 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.
3. Prior to the issuance of any building permits for Phase 2, a final plat must be recorded for Phase 2 including any necessary bonds for public improvements and including the consolidation of parcel 126 into parcel 127 and the remainder of the PUD.”

32. 88P-068G-13
 Nashboro Square
 Map 135, Parcel 253
 Subarea 13 (1996)
 District 28 (Alexander)

A request to revise a portion of the undeveloped Commercial Planned Unit Development district located abutting the east margin of Murfreesboro Pike at Brooksboro Place, classified within the R10 district, (26.65 acres), to permit a redesign of a phase for the development of 56,000 square feet of retail, restaurant and bank uses to replace 90,100 square feet of retail on the approved plan, requested by Barge, Waggoner, Sumner and Cannon, for Robert Trent, owner.

Project No. PUD 88P-068G-13
Project Name Nashboro Square
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

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

To permit a redesign of a phase to permit 56,000 square feet of retail, restaurant, and bank uses, replacing 90,100 square feet of retail uses on the approved plan.

Existing Zoning

R10/Commercial PUD This is a grandfathered PUD approved by the Metro Council in 1988, for a total of 242,100 square feet of commercial uses. The portion of the plan proposed to be revised was approved for 90,100 square feet of retail uses.

PLAN DETAILS

The proposed plan revises a portion of the undeveloped PUD plan approved in 1988. The proposed plan is consistent with the approved plan in terms of building layout, access, and landscape buffer yards. The proposed plan provides one access point directly to Murfreesboro Pike and one access point to Brooksboro Place. Since the proposed plan decreases the square footage on this portion of the plan, a PUD amendment is not required.

The proposed plan provides the required landscape buffer yards separating this development from the adjacent residential property and it includes the required masonry wall that was made a condition of the original preliminary PUD plan.

TRAFFIC

Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

4,000 square feet of office = 44 trips per day
 51,000 square feet of retail = 2,189 trips per day

Traffic Engineer’s Findings

The Metro Traffic Engineer has made the following comments:
 “Determination is to be made by traffic engineer if the old traffic impact study, requires this phase of the development to trigger the requirements for any offsite improvements. If it does not then plan is OK.”

Planning Department staff has researched the conditions of the original traffic impact study and determined that no additional road improvements were required at this stage of development. Staff notes, however, that the study is 14 years old and likely does not reflect current traffic conditions in that area.

CONDITIONS The following conditions will be made part of this approval:

Any final PUD plan must include a wall, 6-feet in height at the rear of Lot A, as required on the original PUD approval.

Compliance with the provisions of the 1988 traffic impact study as approved by the Metro Traffic Engineer.

Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.

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.

Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Resolution No. 2002-445

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 88P-068G-13 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. Any final PUD plan must include a wall, 6-feet in height at the rear of Lot A, as required on the original PUD approval.
2. Compliance with the provisions of the 1988 traffic impact study as approved by the Metro Traffic Engineer.
3. Prior to the issuance of any permits, the Stormwater Management Division of Metropolitan Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works must forward confirmation of final approval of this proposal to the Planning Commission.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

33. 93P-023G-13
Gateway of Hermitage
Map 86, Parcel 330
Subarea 14 (1996)
District 12 (Ponder)

A request for final approval for a phase of the Commercial Planned Unit Development district located abutting the south margin of Central Pike, east of Shurgard Way, classified within the CS district, (.81 acres), to permit the development of a 3,164 square foot bank, requested by Ragan-Smith and Associates, for Wiltruco Employee – Federal Credit Union, owner.

Project No. Planned Unit Development 93P-023G-14
Project Name Gateway of Hermitage Commercial PUD
Wiltruco Credit Union
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with Conditions*

APPLICANT REQUEST

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

Request for final PUD approval of the Gateway of Hermitage Commercial PUD to allow for the development of a 3,164 sq. ft. federal credit union. The property is located at 3904 Central Pike.

PLAN DETAILS The latest revision to the preliminary, approved on November 14, 2002, allows for the development of the 3,164 sq. ft. financial institution. The previous revision to preliminary, in 1997, allowed for the development of a 6,000 sq. ft. restaurant and a 69,000 sq. ft., 6-story, 144-room motel. The hotel has since been developed.

The applicant’s plan proposes a 3,164 sq. ft. credit union facility to be constructed on the corner of Central Pike and Shurguard Way, in what is designated as phase two of the PUD. Ingress and egress to the site will be provided via direct access off of Shurguard Way as well as via the motel access drive. Required parking for the facility is 16 spaces. A total of 18 spaces are provided, which includes handicapped spaces – of which both handicapped spaces are properly located directly in front of the building entrance.

TRAFFIC ENGINEER’S

FINDINGS Recommend approval. The applicant has proposed a new sidewalk along Shurguard Way in accordance with current Metro Public Works design standards. A sidewalk currently exists along Central Pike.

CONDITIONS

A final plat needs to be recorded before the issuance of any building permits.
Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
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.
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.
Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Resolution No. 2002-446

“BE IT FURTHER RESOLVED by the Metropolitan Planning Commission that Proposal No. 93P-023G-13 is **APPROVED WITH CONDITIONS (10-0)**. The following conditions apply:

1. A final plat needs to be recorded before the issuance of any building permits.

2. Before the issuance of any permits, the Stormwater Management and the Traffic Engineering Sections of the Metropolitan Department of Public Works shall forward confirmation of final approval of this proposal to the Planning Commission.
3. 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.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission."

MANDATORY REFERRALS

34. 2002M-124U-08
Disposition of a Certain Parcel of Property
by Metro Government
Map 92-1, Parcel 50
Subarea 8 (1995)
District 21 (Whitmore)

An ordinance approving the disposition of a certain parcel (parcel 50) of surplus property to the adjacent property owner, property currently held by the Metropolitan Government of Nashville & Davidson County, as requested by the Metro Director of Public Property.

Project No. Mandatory Referral 2002M-124U-08
Project Name Disposition of Property by Metro Government – Map 92-01, Parcel 50
Council Bill BL2002-1280
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An ordinance approving the disposition of a certain parcel (parcel 50) of surplus property to the adjacent property owner, property currently held by the Metropolitan Government of Nashville & Davidson County.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-447

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-124U-08 is **APPROVED (10-0)**."

35. 2002M-125U-07
Ingress-Egress Driveway Easement Abandonment
Map 129-5, Parcel 6
Subarea 7 (2000)
District 23 (Bogen)

A request to abandon a portion of an existing ingress-egress driveway easement, for Project No. 02-SG-159, located at 400 Hathaway Court, requested by the Metro Department of Water Services.

Project No. Mandatory Referral 2002M-125U-07
Project Name Ingress-Egress Driveway Easement Abandonment – 400 Hathaway Court
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to abandon a portion of an existing ingress-egress driveway easement, for Project No. 02-SG-159, located at 400 Hathaway Court.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-448

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-125U-07 is **APPROVED (10-0)**."

36. 2002M-126U-13
Donation of Property for Metro Greenway System
Map 148, Parcel 79
Subarea 13 (1996)
District 28 (Alexander)

An Ordinance authorizing the Director of Public Property to accept ownership of a certain part of Tax Map 148, Parcel 79 for the use and benefit of the Greenway Commission, to construct a portion of the Mill Creek Greenway System, with the property located at 4640 Cummings Park Drive, as requested by Director of Metro Public Property Administration.

Project No. Mandatory Referral 2002M-126U-13
Project Name Donation of property for Metro Greenway System – 4640 Cummings Park Drive
Council Bill BL2002-1282
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance authorizing the Director of Public Property to accept ownership of a certain part of Tax Map 148, Parcel 79 for the use and benefit of the Greenway Commission, to construct a portion of the Mill Creek Greenway System, with the property located at 4640 Cummings Park Drive.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-449

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-126U-13 is **APPROVED (10-0).**"

37. 2002M-127G-01
Property Transfer to Metro Water Services
Map 22, Parcel 91
Subarea 1 (1997)
District 1 (Gilmore)

An Ordinance approving the disposition of a certain parcel of property by the Director of Public Property, held by the Metropolitan Government of Nashville & Davidson County at 7100 Whites Creek Pike, Joelton, TN, to the Metro Department of Water Services for construction of a water storage reservoir, as requested by the Director of Metro Public Property Administration.

Project No. Mandatory Referral 2002M-127G-01
Project Name Property Transfer to Metro Water Services
Council Bill BL2002-1281
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST An Ordinance approving the disposition of a certain parcel of property by the Director of Public Property, held by the Metropolitan Government of Nashville & Davidson County at 7100 Whites Creek Pike, Joelton, TN, to the Metro Department of Water Services for construction of a water storage reservoir.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY

COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-450

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-127G-01 is **APPROVED (10-0).**"

38. 2002M-128U-07
Rename a Portion of Old Hickory Boulevard
to Annex Avenue
Map 102
Subarea 7 (2000)
District 22 (Hand)

A request by the Assistant Director of Public Works to rename a portion of Old Hickory Boulevard, from Charlotte Pike to the existing Annex Avenue (on the other side of Interstate 40), to Annex Avenue to reduce the amount of segmentation of Old Hickory Boulevard and for improved E911 emergency efficiency and response.

Project No. Mandatory Referral 2002M-128U-07
Project Name Rename a portion of Old Hickory Boulevard to Annex Avenue
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request by the Assistant Director of Public Works to rename a portion of Old Hickory Boulevard, from Charlotte Pike to the existing Annex Avenue (on the other side of Interstate 40), to Annex Avenue to reduce the amount of segmentation of Old Hickory Boulevard and for improved E911 emergency efficiency and response.

APPLICATION REQUIREMENTS None

DEPARTMENT AND AGENCY COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-451

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-128U-07 is **APPROVED (10-0).**"

39. 2002M-129U-09
Sidewalk Surface Encroachment for The Hermitage Hotel
Map 93-6-1, Parcel 3
Subarea 9 (1997)
District 19 (Wallace)

A request to install a granite decorative inlay in the sidewalk fronting the 6th Avenue North entrance of The Hermitage Hotel, measuring 14 feet by 8 feet, requested by The Hermitage Hotel, applicant and property owner.

Project No. Mandatory Referral 2002M-129U-09
Project Name Sidewalk Surface Encroachment for
The Hermitage Hotel
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Conditional Approval, subject to receiving all department approvals.*

APPLICANT REQUEST A request to install a granite decorative inlay in the sidewalk fronting the 6th Avenue North entrance of The Hermitage Hotel, measuring 14 feet by 8 feet, requested by The Hermitage Hotel, applicant and property owner.

APPLICATION REQUIREMENTS

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

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

Property Owner Sign Application Yes

Tenant Sign Application N/A

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION *Conditional Approval, subject to receiving all department approvals.*

Resolution No. 2002-452

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-129U-09 is **APPROVED (10-0).**"

40. 2002M-130U-07
Close a Portion of Alley #1534
Map 103-1, Parcels Various
Subarea 7 (2000)
District 22 (Hand)

A request to close a portion of Alley #1534 from Westboro Drive to the alley's western terminus, requested by St. John's UMC - Eddie Porter, Trustee, for Wayne A. Greer, St. John's United Methodist Church, and Dale S. Watson, abutting property owners. (Easements to be abandoned)

Project No. Mandatory Referral 2002M-130U-07
Project Name Close a portion of Alley #1534
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to close a portion of Alley #1534 from Westboro Drive to the alley's western terminus, requested by St. John's UMC - Eddie Porter, Trustee, for Wayne A. Greer, St. John's United Methodist Church, and Dale S. Watson, abutting property owners.

(Easements are to be abandoned)

APPLICATION REQUIREMENTS
Application properly completed and signed? Yes

Abutting property owners sign application? Yes

DEPARTMENT AND AGENCY
COMMENTS
None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-453

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-130U-07 is **APPROVED 10-0.**"

41. 2002M-131U-09
Close a Portion of Alley #98
Map 93-14, Parcels Various
Subarea 9 (1997)
District 19 (Wallace)

A request to close a portion of Alley #98 between Division Street north to Alley #196, requested by Judith A. Swindell, for Norman & Judith Kale & Co., LLC, abutting property owner. (Easements to be retained)

Project No. Mandatory Referral 2002M-131U-09
Project Name Close a portion of Alley #98
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve*

APPLICANT REQUEST A request to close a portion of Alley #98 between Division Street north to Alley #196, requested by Judith A. Swindell, for Norman & Judith Kale & Co., LLC, abutting property owner.

(Easements are to be retained)

APPLICATION REQUIREMENTS
Application properly completed and signed? Yes

Abutting property owners sign application? Yes

DEPARTMENT AND AGENCY
COMMENTS None

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-454

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-131U-09 is **APPROVED (10-0).**"

42. 2002M-132U-10
Close a Portion of Boview Lane
Map 116-16, Parcels Various
Subarea 10 (1994)
District 34 (Williams)

A request to close a portion of Boview Lane between Skyline Drive and Wallace Lane, requested by David Heusinkveld, for Regan A. Logan, Carl & Silvine Hudson, James A. Horrell, Keri A. Underwood, and Roland Stein, abutting property owners. (Easements to be retained)

Project No. Mandatory Referral 2002M-132U-10
Project Name Close a portion of Boview Lane
Council Bill None
Associated Case None
Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST A request to close a portion of Boview Lane between Skyline Drive and Wallace Lane, requested by David Heusinkveld, for Regan A. Logan, Carl & Silvine Hudson, James A. Horrell, Keri A. Underwood, and Roland Stein, abutting property owners.

(Easements are to be retained)

APPLICATION REQUIREMENTS

Application properly completed and signed? Yes

Abutting property owners sign application? Yes

DEPARTMENT AND AGENCY

COMMENTS This right-of-way has never been improved as a roadway and is not a part of the adopted 2002-2007 Capital Improvements Budget. Although the Subdivision Regulations strongly encourage the interconnectedness of roadways between subdivisions, the closure of this right-of-way will not negatively affect the existing roadway network. However, in order to retain local community connectivity, staff recommends that a 10-foot bicycle and pedestrian easement be retained if the right-of-way is closed.

RECOMMENDATION All reviewing departments and agencies recommend approval.

Resolution No. 2002-455

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Mandatory Referral No. 2002M-132U-10 is **APPROVED (10-0) with conditions.**"

OTHER BUSINESS

44. Employee contracts for Ann A. Hammond, Lou T. Edwards, Nicholas J. Lindeman, Jeffrey A. Lawrence and Darrell Howard.

Resolution No. 2002-456

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the employee contracts for two years for Ann A. Hammond, Lou T. Edwards, Nicholas J. Lindeman, Jeffrey A. Lawrence and Darrell Howard.

45. Grant agreement between TDOT and Nashville Area MPO for Transit Planning and Coordination activities as in the Urban Area Unified Planning Work Program

Resolution No. 2002-457

"**BE IT RESOLVED** by the Metropolitan Planning Commission that it **APPROVES** the Grant agreement between TDOT and Nashville Area MPO for Transit Planning and Coordination activities as in the Urban Area Unified Planning Work Program.

This concluded the items on the consent agenda.

PUBLIC HEARING: Request to adopt the Bellevue Community Plan: 2002 Update

Ms. Wood presented the Bellevue Community Plan: 2002 Update.

Project: Request to Adopt the Bellevue Community Plan: 2002 Update

Staff Reviewer Wood

Staff Recommendation Approve.

APPLICANT REQUEST

Adopt the Bellevue Community Plan: 2002 Update

SUBAREA PLAN This plan replaces the Subarea 6 Plan: 1996 Update

Detailed Neighborhood Design Plan A Detailed Neighborhood Design Plan is included for the Highway 100/Old Harding Pike Triangle

Public Participation Staff met with over 300 residents, property owners, and business owners in this community during a series of workshops and meetings held during March –October 2002. Staff presented the final plan at the last meeting on October 22, 2002.

Highlights Many of the current land use policies remain unchanged. Most of the changes have involved Natural Conservation policy areas. The language for Natural Conservation policy has been changed so that it no longer provides for development at 2-4 dwelling units/acre under certain conditions. Instead, such areas have been identified and specifically mapped as Residential Low-Medium Density policy areas. Also, Natural Conservation areas that are zoned too intensively to implement the policy have been assigned to more appropriate policy categories that fit their zoning and development patterns. Three Neighborhood Centers have been designated: the Bellevue Town center at Old Harding Pike and Bellevue Road, the Highway 100/Old Harding Pike Triangle, and the Loveless Café/Motel area at the intersection of Highway 100 and McCrory Lane.

Mr. Dan Holstetter, representing property owner Mr. Canton, stated his client feels this area should be NCO rather than RLM.

Mr. Mike Allison, Newsome Station Road property owner spoke in favor of the plan.

Mr. Jeff Roberts commended the work of the group that worked on the plan and opposed any changes to the plan.

Mr. John Rumble, complimented staff on their work and stated he feels the plan is sound.

Councilmember Bob Bogen stated this may be a typo, but in the Historically Significantly Properties in Bellevue, Kelley’s is misspelled and asked it be corrected before adoption.

Mr. Richard Cowden thanked staff for their professionalism with the plan review.

Councilmember Charlie Tygard asked this item be deferred one meeting.

Councilmember Summers moved and Ms. Jones seconded the motion, which carried unanimously, to close the public hearing and defer indefinitely.

PUBLIC HEARING: Request to amend the plan for Subarea 8: The North Nashville Community: 2002 Update to add the detailed Neighborhood Design Plan for Clifton/Southwest, College Heights/Clifton, and Tomorrow’s Hope and to amend the Structure Plan.

Ms. Wood presented the request to amend the plan for Subarea 8.

Project: Request to Amend the Plan for
Subarea 8: The North Nashville
Community

Staff Reviewer Wood

Staff Recommendation Approve

APPLICANT REQUEST **Approve amendment to The Plan for Subarea 8: The North Nashville Community**

DETAILED NEIGHBORHOOD DESIGN PLAN Adopt the Detailed Neighborhood Design Plan for the Clifton/Southwest, College Heights/Clifton, and Tomorrow's Hope neighborhoods

SUBAREA PLAN This amendment replaces current policy for a specified area within North Nashville with more detailed language tailored for the unique circumstances in these neighborhoods.

Detailed Neighborhood Design Plan

Public Participation Staff met with over 15 residents, property owners, and business owners in these three neighborhoods during a series of workshops and meetings held during September and October 2002. Staff presented the final plan at the last meeting on October 17, 2002.

Description The Detailed Neighborhood Design Plan outlines the uniqueness of each planning neighborhood.

Clifton/Southwest The Structure Plan identifies Clifton/Southwest as a mixed-use urban residential neighborhood. The Detailed Land Use Plan places most of the neighborhood under mixed-use policy. A Neighborhood Center is located at the intersection of 40th Avenue North and Clifton Avenue.

College Heights/Clifton The Structure Plan identifies College Heights/Clifton as a fairly low-density urban residential neighborhood. Most of the neighborhood falls under single-family detached residential policy, with a Neighborhood Center at Clifton Avenue and 39th Avenue North.

Tomorrow's Hope The Structure Plan identifies Tomorrow's Hope as an urban residential neighborhood. The neighborhood is fairly evenly divided among single-family detached, single-family attached and detached, and mixed housing areas. Park and school sites are recommended at the northern edge of the neighborhood.

No one was present to speak at the public hearing.

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

Resolution No. 2002-458

“WHEREAS, on January 24, 2002, the Metropolitan Planning Commission adopted “*The Plan for Subarea 8: the North Nashville Community – 2002 Update*” [the *Updated Plan*], and

WHEREAS, the *Updated Plan* defines planning neighborhoods, a goal of the *Updated Plan* is the preparation of “Detailed Neighborhood Design Plans” [DNDPs] for those planning neighborhoods, and the *Updated Plan* calls for said DNDPs to be made a part of the *Updated Plan* through their adoption and incorporation into the *Updated Plan* (by reference) as elements of Appendix E, and

WHEREAS, from early September to late October of 2002, the Metropolitan Planning Department staff working extensively with residents, property owners, and civic and business interests, including conducting three workshops and public meetings in the community, prepared a DNDP for a group of three planning neighborhoods [see Part II in Attachment A], and

WHEREAS, modifications are needed to the “Structure Plan” section of the *Updated Plan* to provide the basis for some of the provisions of the DNDP as presented in Section II of Attachment A [see Part I of Attachment A], and

WHEREAS, a public hearing was held by the Metropolitan Planning Commission on December 12, 2002 to obtain additional input regarding the proposed DNDP and modifications to the *Updated Plan* presented in Attachment A and,

WHEREAS, the Metropolitan Planning Commission is empowered under state statute and the charter of the Metropolitan Government of Nashville and Davidson County to adopt master or general plans for smaller areas of the county;

WHEREAS, the Metropolitan Planning Commission finds that the modifications to the *Updated Plan* as presented in Part I of Attachment A are proper and are important to the achievement of the vision and goals of the *Updated Plan*, that the DNDP as presented in Part II of Attachment A has been prepared in accordance with the guidelines in the *Updated Plan*, and that these amendments are supported by the community,

NOW, THEREFORE, BE IT RESOLVED that the Metropolitan Planning Commission hereby **ADOPTS** Amendment No. 2 to *The Plan for Subarea 8: the North Nashville Community – 2002 Update* as set forth in “Attachment A,” incorporates Part I of the amendment into the *Updated Plan*, and incorporates Part II by reference into Appendix E of the *Updated Plan*.

AMENDMENT NO. 2
TO
THE PLAN FOR SUBAREA 8: THE NORTH NASHVILLE COMMUNITY – 2002 UPDATE [the
Updated Plan]

This amendment consists of two major sections.

Section I spells out all of the changes made to the *Updated Plan* except for the Detailed Neighborhood Design Plan that is being added to Appendix E by reference.

Section II is the document that comprises the Detailed Neighborhood Design Plan for the Clifton/Southwest, College Heights/Clifton, and Tomorrow’s Hope neighborhoods [Appendices E-3, 4, & 20 of the *Updated Plan*].

Part I: the *Updated Plan* is hereby amended as follows:

SECTION 1. by changing Figure 18, entitled “Subarea 8/North Nashville Community Structure Plan” on page 75 as shown in accompanying Illustration #1.

SECTION 2. by deleting the number “18” in the second line in the last paragraph on page 78 and inserting in lieu thereof the number “19”;

Part II: the *Updated Plan* is hereby amended as follows:

Section 1. by adding by reference to Appendix E the accompanying document that is under separate cover entitled:

*“Appendices E-3, 4, & 20
Detailed Neighborhood Design Plan
Clifton/Southwest, College Heights/Clifton, and Tomorrow’s Hope”*

**PUBLIC HEARING:
ZONING MAP AMENDMENTS**

1. 2002Z-020T
Council Bill No. BL2002-1112

A council bill to amend Sections 17.04.060, 17.08.030 and 17.16.110 of the Zoning Ordinance to add a definition for “Recycling Facility” to designate zoning districts where a Recycling Facility is permitted, and

to establish conditions for such a facility when permitted with conditions, sponsored by Councilmember David Briley.

Mr. Kleinfleter stated staff recommends disapproval because this needs to be acted on within 30 days or it will only require 21 votes at Council if it is not acted on by the Commission.

Project No. Zone Change 2002Z-020T
Council Bill BL2002-1112
Associated Cases None.
Staff Reviewer Kleinfelter

Staff Recommendation *Disapprove*

APPLICANT REQUEST This council bill proposes to amend Sections 17.04.060 (Definitions of General Terms), 17.08.030 and 17.16.110 of the Zoning Regulations to define and designate zoning districts for “Recycling Facilities.”

ANALYSIS

Existing Law: Any facility that separates construction waste in order to recycle appropriate materials currently is allowed under the Zoning Code only as “Waste Transfer” (17.16.210(C)), which requires a minimum lot size of 10 acres, pre-approval of the site by the Metro Council, and approval of a special exception permit by the Board of Zoning Appeals. The Code provides for a “Recycling collection center,” but such facilities are limited to “the temporary assemblage of small recyclable consumer items such as food and beverage containers, fabrics and paper.”

Proposed Text Change: The proposed text change would insert a new definition for “Recycling Facilities” as follows: “a facility or temporary location where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare construction waste or other dry materials for return to the economic mainstream as raw material for new, reused or reconstituted products. The use or reuse of such materials may not constitute solid waste disposal.”

“Recycling facilities” would be added to the Zoning District Land Use Table of 17.08.030 as “Permitted with Conditions” in the IWD, IR and IG zone districts.

The following conditions would be required to be met before a permit could be issued for a Recycling Facility:

1. Minimum lot size of four acres, unless the facility is fully enclosed within a building, then the minimum lot size of two acres would be permitted.
2. All buildings, structures, storage containers and areas, and vehicle loading/unloading areas must be located a minimum of one hundred feet from any residential or mixed use zoning district boundary or residential structure.
3. Landscape buffer yard. The entire facility would be enclosed by an opaque fence at least eight feet tall. The fence would be required to be patrolled each day to remove all windblown debris captured by the fence. In addition, along all residential zone districts permitting residential use, screening in the form of landscape buffer yard Standard D would be required to be located outside the required fence.
4. Driveway access would be required to be from a collector or larger street. The collector street cannot be bounded by any residential zoning district from the driveway access point to the street's intersection with an arterial street.

Recommendation: The Vice Mayor has appointed a special committee to investigate several solid waste management issues, including recent requests for location of waste transfer stations under the provisions of 17.16.210(C). The proposed text change would create “Recycling Facilities” as a new category of waste management use that would not meet the requirements for a waste transfer station under 17.16.210(C). Staff recommends that the proposed text change be considered along with all other waste

management issues by the newly created Council solid waste study committee. **Accordingly, staff recommends disapproval of the proposed text change at this time.**

No one was present to speak at the public hearing.

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

Resolution No. 2002-459

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-020T is **DISAPPROVED (10-0)**:

The proposed text change would create "Recycling Facilities" as a new category of waste management use that would not be required to meet the standards for a waste transfer station under 17.16.210(C). The proposed text change should be considered along with all other waste management issues to be reviewed by the newly created Council solid waste study committee."

2. 2002Z-021T
Council Bill No. BL2002-1171
Council Bill No. BL2002-1273

A council bill to amend the text of the Zoning Code to establish buffering distances between waste facilities and parks and schools, and by defining the term "park," requested by Councilmember Feller Brown.

Vice Chairman Small questioned why this was changed from 2 miles to 2,000 feet.

Mr. Fox stated the Health Department Report said a **minimum** of 2000 feet, but Legal feels 2 miles is appropriate.

A copy of the report from Dr. Brent Hager of the Metropolitan Government Health Department has been entered into the record.

Project No. Text Change 2002Z-021T

Associated Case None

Council Bill BL2002-1273 and BL2002-1171 (as amended)

These council bills were referred to the Planning Commission after being amended and after a new bill was drafted to consolidate the language in the amended bill. The amended bill and the new bill contain the same language with a new 2,000-foot buffer. The Planning Commission approved BL2002-1171 with a 1,000-foot buffer on September 12, 2002.

Staff Reviewer Leeman

Staff Recommendation *Approve with a 2,000 foot buffer, which would be the Commission's recommendation to the Metro Council for both BL2002-1273 and BL2002-1171.*

REQUEST Change the text of the Zoning Code to establish buffering distances between waste facilities and parks and schools, and by defining the term "park."

AMENDMENT PURPOSE The purpose of this text amendment is to substitute a 2,000-foot buffer for the existing 2-mile buffer. After gathering more information regarding the minimum acceptable buffer distance between landfills/waste transfer stations, the Metropolitan Health Department, Pollution Control Division (PCD), has concluded that an increase from a 1,000 foot buffer to a 2,000 foot buffer from the landfill facility or a waste transfer station to the nearest school or park would be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat.

The proposed amendments will effectively require landfills and waste transfer stations to be located at least 2,000 feet from the property line of any school or park. The PCD has conducted a literature review of similar setback requirements, finding the proposed setback of 2,000 feet to be consistent with requirements

of other localities provided that the setback is from the property line of the park or school to the active area of the landfill.

The predominate air pollutants emitted from the operation of a typical landfill or waste transfer station would be particulate matter in the form of fugitive dust and nuisance odors. The PCD is of the opinion that a 2,000 foot setback from the active area of a landfill or a waste transfer station to the nearest school or park would be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat. This opinion is based on the assumption that the facilities would be operated in full compliance with all applicable federal, state, and local regulations including Section 10.56.170 “Emission of Gases, Vapors or Objectionable Odors” and Section 10.56.190 “Controlling Wind-borne Materials” of Chapter 10.56 “Air Pollution Control” of the Metropolitan Code of Laws.

The specific changes to the Zoning Code are listed below:

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations is hereby amended as follows:

By amending Section 17.16.110 A.2. Setback by deleting the words “two miles” and replacing them with the words “two thousand feet”.

Section 2. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations is hereby amended as follows:

By amending Section 17.16.110 B.3. Setback by deleting the period at the end of the sentence and adding the following provision:
“, and further the facility shall not be located less than two thousand feet of the property line of any school or park.”

Section 3. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County is hereby amended as follows:

By amending Section 17.16.210 A.1. Setback. By deleting the words “two miles” and replacing them with the words “two thousand feet”.

Section 4. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County is hereby amended as follows:

By amending Section 17.16.210 B.2. Setback. By deleting the period at the end of the sentence and adding the following provision:
“, and further the facility shall not be located less than two thousand feet of the property line of any school or park.”

Section 5. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

By amending Section 17.16.210 C.3. Setback. By deleting the period a the end of the sentence and adding the following provision:
“, and further the facility shall not be located within two thousand feet of the property line of any school or park.”

Section 6. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

By amending Section 17.04.060 B. General Terms. By adding the following definition:
“Park” means any facility that is:

- 1) open to the public for recreational uses, including, but not limited to, hiking, swimming, boating, camping;
- 2) predominately kept in a natural state; or

3) property of the local, state or federal government, or any department or agency thereof, specifically designated as a park, natural area or recreation area. However, the term “park” shall not include “greenways” as defined in Metropolitan Code of Laws section 17.04.060(B).

Section 7. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

By amending Section 17.16.040 A.2. Setback by deleting the period at the end of the sentence and adding the following language:

Notwithstanding any other provision of the Metropolitan Code of Laws, no new Community Education facility, as defined in Metropolitan Code of Law section 17.04.060 B., shall henceforth be constructed within 2,000 feet of the property line of any Landfill or other Waste Disposal or Transfer Facility.

Section 8. That Title 17 of the Code of the Metropolitan Government of Nashville and Davidson County be and the same is hereby amended as follows:

By adding the following language as a new section:

Notwithstanding any other provision of the Metropolitan Code of Laws, no new Park, as herein defined, shall henceforth be constructed within 2000 feet of the property line of any Landfill or other Waste Disposal or Transfer Facility.

Section 9. This ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government requiring it. However, in the event that an appellate court of the State of Tennessee renders a final judgment in the case of Consolidated Waste Systems, LLC v. Metropolitan Government of Nashville and Davidson Co., TN, M2002-02582-COA-R3-CV, declaring the ordinance in effect prior to the enactment of this ordinance constitutional, this ordinance shall be automatically repealed, and its effect terminated.

Ms. Joanne Odom questioned the redefinition of a park and greenway not being considered as a park.

Mr. Leeman stated linear parks are different from other parks because they are along rivers.

Mr. Bernhardt stated if greenways were included it would exclude too much of the county.

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

Resolution No. 2002-460

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-021T is **APPROVED with a 2,000 foot buffer (10-0)**:

A 2,000 foot buffer from a landfill facility or a waste transfer station to the nearest property line of a school or park would be sufficient to prevent fugitive dust and odors from becoming a nuisance or a public health threat."

3. 2002Z-109U-07

Map 91-9, Parcel 13
Subarea 7 (2000)
District 22 (Hand)

A request to change from R8 district to CS district property at 6120 Robertson Avenue, approximately 500 feet west of Vernon Street, (.30 acres), requested by Kenneth and Judy McCoy, owners.

Mr. Hardison stated staff recommends disapproval as contrary to the General Plan.

Project No. Zone Change 2002Z-109U-07
Associated Case None
Council Bill None
Deferral This case was deferred by the Planning Commission on 11/14/02 until the 12/12/02 Planning Commission meeting.
Staff Reviewer Hardison

Staff Recommendation *Disapprove as Contrary to the General Plan. CS zoning does not implement the intent of the Subarea 7 Plan's Residential Medium (RM) policy.*

APPLICANT REQUEST Rezone 0.30 acres from Residential (R8) to Commercial Services (CS) at 6120 Robertson Avenue.

Existing Zoning

R8 zoning R8 zoning is intended for single-family homes and duplexes at 4.63 units per acre.

Proposed Zoning

CS zoning CS zoning is intended retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

SUBAREA 7 PLAN POLICY

Residential Medium (RM) RM policy is intended for 4 to 9 dwelling units per acre.

Policy Conflict

Yes. These properties are located in the Subarea 7 Plan's Residential Medium (RM) Policy area. This rezoning is inconsistent with the intent of RM policy. The Subarea 7 Plan states the following with respect to this area:

"There has been a history of damaging zoning decisions from residential to industrial in this area. For the most part, these rezoned areas remain either undeveloped or residential. However, there has been recent residential investment in the area. It is the intent of the plan that this area be fully reclaimed for residential use, with the exception of locations that meet the criteria for unmapped nonresidential policies such as RN, RLC, and OT. To implement the RM policy, rezoning the underutilized industrially zoned area for residential use is necessary and is recommended."

CS zoning will not work towards establishing residential uses or neighborhood scale retail uses compatible with a residential area.

RECENT REZONINGS None

CODES VIOLATIONS The applicant is requesting this zone change to accommodate an existing auto repair garage. The Metro Codes Department Property Standards division on August 12, 2002 cited this use. The citation stated the following:

"It has been reported the owner/tenant is operating an auto repair shop from the new garage that was built in 1999. Further – He has signage and ads located at various CS properties in the area." Incident number 2002016775

The garage referenced in the citation was built in 1999 for the following purpose:

"To construct a new-detached 24' x 40' garage with a height not to exceed 16'. Not to be used for living nor commercial purposes." Permit number 99-01578A

This property was also cited in 1996 for storage of car/truck tires, parts, trash, and debris.

At the November 14, 2002 Planning Commission meeting, this proposal was deferred to inform the applicant of the possible results rezoning this property would bring. During the Planning Commission hearing, staff informed the applicant that by state law the residence on the property would not be allowed to remain. Since the November 14 meeting, staff has learned that the residence would be allowed to remain. Prior to obtaining a use permit, the applicant will be required to obtain several variances from the Metro Board of Zoning Appeals, including landscape buffer requirements and parking requirements.

TRAFFIC Based on typical uses in CS districts, approximately 61 to 186 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer’s Findings Approve

Ms. Judy McCoy spoke in favor of the proposal and stated this would not change the neighborhood, and that they have always had a garage. This is just a new one.

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

Councilmember Summers moved and Ms. Nielson seconded the motion, which carried unanimously, to close the public hearing and disapprove as contrary to the General Plan.

Resolution No. 2002-461

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-109U-07 is **DISAPPROVED (10-0) as contrary to the General Plan:**

The proposed CS district is not consistent with the Subarea 7 Plan’s Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. It is the intent of the plan that this area be fully reclaimed for residential use, with the exception of locations that meet the criteria for unmapped nonresidential policies. This area does not meet those criteria.”

- 4. 2002Z-116U-10**
- Map 130-11, Parcel 94
- Subarea 10 (1994)
- District 34 (Williams)

A request to change from R40 district to RS20 district property at 4000 Wayland Drive, at the intersection of Wayland Drive and Beacon Drive, (1.2 acres), requested by Thomas W. and Elizabeth L. Molteni, owners.

Ms. Scott stated staff recommends disapproval.

Project No. Zone Change 2002Z-116U-10
Council Bill None
Associated Cases None
Deferral Deferred by the applicant on 11-14-02
Staff Reviewer Scott

Staff Recommendation *Disapprove. The proposed RS20 zoning is inconsistent with the Subarea 10 Plan’s Residential Low (RL) Policy.*

APPLICANT REQUEST Rezone 1.2 acres from Residential (R40) to Residential (RS20) at 4000 Wayland Drive.

Existing Zoning

R40 zoning R40 zoning is intended for single-family and duplexes at 1.3 units per acre.

Proposed Zoning

RS20 zoning RS20 zoning is intended for single-family at 2.18 units per acre.

SUBAREA 10 PLAN POLICY

Residential Low (RL) RL policy is intended to conserve large areas of established, low density (2 dwelling units per acre or below) subdivided residential development. The Subarea 10 Plan states the following: “In some sections in Green Hills and along Woodmont Boulevard, there have been smaller infill developments with densities higher than what conforms with that of surrounding areas. In some cases, dwelling types also have not matched the existing character of established neighborhoods. These types of

developments are not recommended in the future and should not be used as a basis for similar projects in the areas where they presently exist. The intent of this plan is to ensure that future development of infill sites conform with the existing character of surrounding areas.” (1994 Subarea 10 Plan, p. 49).

“It is important to recognize that the potential for resubdivision does exist in parts of these areas, since the policy allows up to two dwelling units per acre. Much of the area is developed far below that threshold. However, the plan recommends that the prevailing character and densities of these areas be conserved. Any resubdivisions should result in densities close to what exists in the surrounding area” (1994 Subarea 10 Plan, Pp. 49-50).

Policy Conflict Yes. The Wayland/Beacon/Lynnwood block has a firmly established character, with larger lots and lower densities than some other areas developed according to RL policy. Because of this established character, allowing a zone change to RS20 would set a precedent contrary to the Subarea Plan.

Further, a zone change to RS20 allows for 2.18 units per acre, which is inconsistent with the RL policy’s allowed density.

RECENT REZONINGS None

TRAFFIC Based on the number of dwelling units RS20 zoning would allow, two single family homes, approximately 19 trips per day could be generated by this use (Institute of Transportation Engineers, 6th Edition, 1996).

Metro Traffic Engineer’s Findings Approve

Mr. Shawn Henry, attorney with Tune, Eskin and White, explained the Molteni’s want to build a detached building and not an attached. There is zoning in already in place that does not comply with the low density policy. There is an unnamed road in this area that was put in place in 1947 with intent for further development. Many of area residents were surprised to learn that. He explained the development plan and asked for approval.

Mr. Ray Basham, adjacent property owner stated he is totally against it because he only has 30,000 square feet and this may also cause a domino effect.

Mr. Bill Elliston stated existing homes need to be torn down and replaced rather than adding new homes.

Ms. Debbie Townsend stated everyone in the neighborhood wants this to be RS 40.

Mr. Tom Molteni, homeowner, stated the reason he and his wife bought the property is because they knew they could build an attached home, but there is room for a detached home rather than doing that. As far as the neighborhood goes, I understand their concerns, but there is only one other opportunity in the area to subdivide and develop another home.

Mr. Sweat asked what he would do with the new home.

Mr. Molteni stated they would live in the existing home until the new home was built and then sell it.

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

Councilmember Summers moved and Mr. Sweat seconded the motion, which carried unanimously, to disapprove.

Resolution No. 2002-462

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-116U is **DISAPPROVED (10-0)**:

The proposed RS20 district is not consistent with the Subarea 10 Plan’s Residential Low (RL) policy calling for residential development at up to 2 dwelling units per acre. The Wayland/Beacon/Lynnwood block has a firmly established character, with larger lots and lower densities than some other areas developed according to RL policy. Because of this established character, RS20 would set a precedent contrary to the Subarea 7 Plan.”

5. 2002Z-119G-06

Map 141, Parcel 1
Subarea 6 (1996)
District 23 (Bogen)

A request to change from AR2a district to R15 district property at 8733 Newsom Station Road, abutting the eastern margin of Newsom Station Road, (126.72 acres), requested by Randy Caldwell of Ragan-Smith Associates, Inc., applicant, for John S. Cowden, owner. (See PUD Proposal No. 2002P-008G-06 on page 3).

6. 2002P-008G-06

Olde Mill
Map 141, Parcel 1
Subarea 6 (1996)
District 23 (Bogen)

A request for preliminary approval for a Planned Unit Development district located abutting the north margin of I-40, east of Newsom Station Road, classified within the AR2a district and proposed for R15 district, (126.72 acres), to permit the development of 308 single-family lots, requested by Ragan-Smith and Associates, for John S. Cowden, owner. (See Zone Change Proposal No. 2002Z-119-G-06 on page 2).

Mr. Mitchell stated staff recommends indefinite deferral.

Project No. Zone Change 2002Z-119G-06
Council Bill None
Associated Cases PUD Proposal No. 2002P-008G-06 (Olde Mill)
Staff Reviewer Mitchell

Staff Recommendation *Defer Indefinitely due to Incompleteness. The applicant is requesting that the Planning Commission act favorably on a rezoning and the adoption of a Planned Unit Development overlay on property that currently does not have road access. The Planning Commission is only required to act to approve, conditionally approve, or disapprove a complete application.*

APPLICANT REQUEST Rezone 126.72 acres from AR2a (agricultural) to R15 (residential) district

Existing Zoning

AR2a AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas. Current zoning would permit 63 single-family lots.

Proposed Zoning

R15 R15 permits 2.5 single-family residential dwellings per acre. Proposed zoning would allow 312 lots.

SUBAREA 6 PLAN

Natural Conservation (NC) Specific criteria are set out in the *Land Use Policy Application* document for applying the NC policy and its range of densities to individual sites, based on their unique conditions.

Areas of NC policy should be limited to very low-density residential development that is rural in character. These are lands isolated from urban/suburban areas, where there are steep slopes, floodplains, and a lack of urban services and facilities, including roads. The more environmentally sensitive and remote a site is, the lower the acceptable density.

Some areas of NC policy are suitable for more intensive development, at up to four dwelling units per acre (Residential Low/Medium policy). These are lands that abut more intensively developed area(s), where

slopes are less than 20%, there is little or no floodplain, and urban services and facilities, including streets are available.

Specific residential densities in NC areas should be determined by physical site characteristics and the availability of services, particularly sewers.

Steeply sloping areas interspersed with narrow ridges and slightly wider valleys along streams are suitable only for very low intensity development. Valleys and accessible ridge areas may be suitable for residential development of up to four units per acre, but only if access can be accomplished without major grading and removal of native vegetation.

Greenway plans affect this area and should be taken into account as part of the review of any development proposals involving sites in this area.

Policy Conflict Yes. The proposed rezoning conflicts with the following policy directives for this area: Pursuant to items 1 and 2 above, the subject site is heavily encumbered by floodway and floodplain. More than 65% of the gross site is covered by floodway and floodplain.

There is not adequate sewer capacity to serve the proposed 308 dwelling units. In a letter from the Harpeth Valley Utilities District, dated October 2, 2002, the existing capacity would only support 142 units. The District has stated that any improvements to the sewer system must be designed with an initial pumping rate to serve 500 equivalent units and a final design flow rate to serve the total basin. This area is isolated from other urban areas, the availability of services and facilities is minimal, and the majority of the surrounding area is environmentally sensitive or constrained. Staff does not recommend approval of this rezoning request because it would act as a catalyst for additional development within this area of the NC policy.

Currently there is no road access to the subject site. Even if the applicant attains the ability to provide access, staff does not recommend approval of the rezone request to R15 because of the potential for extremely high trip generation onto a single, substandard roadway that is subject to regular flooding. The rezoning site falls in the middle of an NC policy area as opposed to falling along its boundary; it is environmentally constrained, rural in character, lacks transportation access, and, barring a connection to Coley Davis Road via a bridge over the Harpeth River, is isolated from areas of urban-suburban development. The site's characteristics prescribe very low-density residential development according to the application guidelines of the Natural Conservation policy.

Bellevue Community Planning

Process

Although any future revisions to the Subarea 6 Policy have not been applied to this rezoning request, staff believes it is important to note that the Bellevue community has expressed a number of concerns regarding development within the Natural Conservation (NC) policy area. During the 2002 Subarea 6 Plan Amendment process, neighbors concluded that it was appropriate to maintain the current NC land use policy. Staff recommendations, however, are based upon the currently adopted Subarea 6 Plan.

Participants supported preserving the existing rural character of this area by protecting ridgelines, scenic roads, and environmentally sensitive areas (steep slopes, floodway/floodplains).

Subarea Plan Update participants strongly stated that new development in the Bellevue community should not be approved until substandard roads serving new development were improved to accommodate a development's traffic impact

TRAFFIC IMPACTS Subarea Plan Update participants indicated vigorously that new development in the Bellevue community should not be approved until existing substandard roads were improved to accommodate the new development traffic impacts.

This rezoning site has one proposed access point to Newsom Station Road. The adjoining portion of Newsom Station Road is substandard and the only additional access to the proposed subdivision would be through a one-lane railroad underpass. Further, the proposed access travels through the Newsom Mill Park, which is park property under state and federal jurisdiction. To date, the applicant has not received official written approval from the state and federal governments to perform a land swap with the park in order to construct a roadway through the park property.

Another potential access point is to Coley Davis Road by way of a new bridge across the Harpeth River. This route would need to be carefully reviewed by the Planning Department and Public Works Department because of the possible need to place this roadway connection within the Harpeth River floodway.

Traffic Engineer's

Findings **"We have reviewed this proposal in the field and the submitted traffic impact study. The existing access to this site (Newsom Station Road) includes substandard roadway geometry to the**

north and one-lane low clearance roadway underpass to the south. The applicant's Traffic Impact Study [TIS] indicates that a 3-way stop will be required on Newsom Station Road in order to provide safe access. In view of the above, we believe that the infrastructure is not adequate to support a rezoning or a PUD of this density at this time."

SCHOOLS

Students Generated 40 Elementary 30 Middle 25 High School
Schools Over/Under Capacity **Students will attend Gower Elementary School, Hill Middle School, and Hillwood High School. The Metro School Board has identified Hill Middle School as being over capacity at this time.**

ALTERNATIVE STAFF

RECOMMENDATION **Should the Planning Commission find that an action of approval, conditional approval, or disapproval is warranted at the meeting on December 12, 2002, staff recommends *disapproval* of the rezoning request because there is currently no access to the subject site and the requested number of units, in relation to the rural characteristics, lack of urban/suburban services, and significant environmental constraints, exceed the Subarea 6 Plan's Natural Conservation (NC) directives for very low-density development.**

Should the applicant successfully obtain access to the site via Newsom Station Road, Planning Department staff – as well as Public Works staff – believe that one point of substandard access would be inadequate for 308 units and contrary to the Natural Conservation policy directives.

Project No. Planned Unit Development 2002P-008G-06
Project Name Olde Mill Residential PUD
Council Bill None
Associated Case 2002Z-119G-06
Staff Reviewer Mitchell

Staff Recommendation *Defer Indefinitely due to Incompleteness. The applicant is requesting that the Planning Commission act favorably on a rezoning and the adoption of a Planned Unit Development overlay on property that currently does not have road access. The Planning Commission is only required to act to approve, conditionally approve, or disapprove a complete application.*

APPLICANT REQUEST

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

Request for preliminary PUD approval for 308 single-family lots on 126.72 acres, at a density of 2.4 dwelling units per acre.

ZONING

AR2a Zoning AR2a permits one dwelling unit per two acres. It is intended for uses that generally occur in rural areas. Current zoning would permit 63 single-family lots

P.U.D. PERFORMANCE STANDARDS & PROVISIONS

Section 17.36.050(A) If encompassing environmentally sensitive areas, as defined by Chapter 17.28 of the Zoning Ordinance, approval of a PUD Master Development Plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of a conventional subdivision.

Section 17.36.060(G) Alternative design standards may be sought regarding reduced setbacks. Reduced street and side-yard setbacks would allow for the provision of alleys behind some of the smaller lots.

Section 17.36.070(A) **Residential lots within a PUD may be clustered to a greater extent than allowed by the cluster lot provisions of a conventional subdivision; however, the extraordinary protection of environmentally sensitive areas must be provided in return for such provision.**

Section 17.36.090 **Development / Density bonuses are available and being requested based on the dedication of a Conservation Easement for the Master Greenway System. This provision allows for a 25% increase above the conventional density, yet requires that any development / density bonuses be derived from the land area being dedicated for public use.**

PLAN DETAILS The preliminary PUD plan proposes 308 single-family lots on 126.72 acres. Although this site is heavily encumbered by floodway and floodplain, the majority of all lots are located on the upland portion of the site, which is adjacent to Interstate 40. The plan proposes a mix of 42, 50, and 65-foot wide lots that are planned in an interconnected roadway grid. In addition, alleys are proposed at the rear of all 42-foot wide lots. The plan also proposes an internal park of approximately 100,000 square feet in size. This park is in addition to the proposed Conservation Greenway Easement and Greenway Trail that is proposed along the Harpeth River. Lastly, the plan proposes a clubhouse and amenities area in the northwest section of the site, just east of the Newsom Mill Park.

In addition to the provision of alleyways, as requested by staff, the plan utilizes the ability reduce lot sizes below a conventional cluster lot subdivision by providing more environmental protection than would normally be provided. The plan proposes to retain 60% of the floodplain in a natural, undisturbed state. Although staff is not supporting the proposed lot yield, the applicant is using a development / density bonus available to him by dedicating lands for the Conservation Greenway Easement. This density bonus allows the applicant to add the number of lots that equate to 25% of the dedicated acreage; therefore, of the 41.8 acres to be dedicated, 25% of the lots at the requested zoning would be 26 lots.

TRAFFIC IMPACTS This site has one, currently unavailable, access point – to substandard Newsom Station Road, in addition to another potential access point to Coley Davis Road by way of a new bridge across the Harpeth River. The route to Coley Davis Road would need to be carefully reviewed by the Planning Department and Public Works Department because of the possible need to place this roadway connection within the Harpeth River floodway.

Traffic Engineer's Findings “We have reviewed this proposal in the field and the submitted traffic impact study. The existing access to this site (Newsom Station Road) includes substandard roadway geometry to the north and one-lane low clearance roadway underpass to the south. The applicant's traffic impact study [TIS] indicates that a 3-way stop will be required on Newsom Station Road in order to provide safe access. IN view of the above, we believe that the infrastructure is not adequate to support a rezoning or a PUD of this density at this time.”

ALTERNATIVE STAFF RECOMMENDATION

Should the Planning Commission find that an action of approval, conditional approval, or disapproval is warranted at the meeting on December 12, 2002, staff recommends *disapproval* of the request to adopt a Planned Unit Development on this site because there is currently no access to the subject site and the requested number of units, in relation to the rural characteristics, lack of urban/suburban services, and significant environmental constraints, exceed the Subarea 6 Plan's Natural Conservation (NC) directives for very low-density development.

Should the applicant successfully obtain access to the site via Newsom Station Road, Planning Department staff – as well as Public Works staff – believes that one point of substandard access would be inadequate for 308 units and contrary to the Natural Conservation policy directives.

Councilmember Bogen gave the Commission a rundown on the project and stated he had held a community meeting and had heard concerns regarding flooding, road conditions and access to the property. He presented a petition with 77 names in opposition to the proposal. He stated he was interested to hear staff's recommendation.

Chairman Lawson stated staff will recommend indefinite deferral.

Councilmember Bogen stated he had no objection to that whatsoever.

Mr. Randy Caldwell, Ragan-Smith Associates, Inc., stated he understood the deferral standpoint of staff and that they would like to have time to work with the community and address their concerns. We are looking at revising this from R15 to RS20. He requested that if this is deferred it only be until January 9, 2003.

Jeff Roberts stated he had intended to tell the Commission why this proposal was not good for Davidson County, but since it will be deferred he will wait.

Mr. James Cox, area resident, presented the Commission pictures of flooding in the area that covered a 2-story house.

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

Mr. Clifton moved and Mr. McLean seconded the motion, which carried unanimously, to defer this matter indefinitely.

8. 2002Z-122G-03
Map 69, Parcels 77 and 78
Subarea 3 (1998)
District 1 (Gilmore)

A request to change from RS15 district to AR2a district properties at Ashland City Highway (unnumbered), abutting the western margin of Ashland City Highway, (51.41 acres), requested by CJRT, Inc., applicant, for Terry and Kim Flatt, owners.

Mr. Kleinfelter stated Councilmember Nollner and Councilmember Gilmore have worked out a deal to defer this until January 23, 2003.

Project No. Zone Change 2002Z-122G-03
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 51.41 acres from Residential (RS15) to Agricultural (AR2a) at Ashland City Highway (unnumbered).

Existing Zoning

RS15 zoning RS15 zoning is intended for single-family dwellings at 2.47 units per acres.

Proposed Zoning

AR2a zoning AR2a zoning is intended for agricultural uses and residential uses at 1 unit per 2 acres.

SUBAREA 3 PLAN POLICY

Natural Conservation (NC) NC policy is intended for mostly undeveloped areas of steeply sloping terrain, floodplains or other environmental features that are constraints to development at urban intensities. The area of these properties are around Whites Creek is classified NC due to both steep slopes and the floodway and floodplain of Whites Creek.

Policy Conflict

None. The Subarea 3 Plan states: "NC policy is applied to the floodplains of Whites Creek and Ewing Creek because they are substantial floodplains that should be preserved to the greatest extent possible." By rezoning this property to AR2a the chance for a large residential development will be removed from this environmentally sensitive area.

RECENT REZONINGS None

TRAFFIC The proposed zone change would permit a total of 25 units. This number of units would create approximately 165 vehicle trips per day (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Traffic Engineer's

Findings No recommendations were received from the Public Works Department by the staff report deadline

SCHOOLS

Students Generated 4 Elementary 3 Middle 3 High School

Schools Over/Under Capacity Students will attend Bordeaux Elementary School, Ewing Park Middle School, and Whites Creek High School. Whites Creek High has not been identified as being overcrowded by the Metro School Board, but Bordeaux Elementary and Ewing Park Middle have been identified as being overcrowded.

Ms. Nielson moved and Ms. Cummings seconded the motion, which carried unanimously, to close the public hearing and defer this matter until January 23, 2003.

11. 2002Z-125U-11
Map 105-7, Parcel 321
Subarea 11 (1999)
District 17 (Greer)

A request to change from R6 district to OL district property at Southgate Avenue (unnumbered), at the northern terminus of Stewart Place, (1.69 acres), requested by Tim Farley of Harvest Construction Company, LLC, applicant, for Jacob S. and Harold Kornman, owners.

Mr. Leeman stated staff recommends disapproval.

Project No. Zone Change 2002Z-125U-11
Council Bill None
Associated Cases None
Staff Reviewer Leeman

Staff Recommendation *Disapprove. The proposed OL district is not consistent with the Subarea 11 Plan's RM policy calling for residential development at 4 to 9 dwelling units per acre.*

APPLICANT REQUEST This request is to rezone 1.69 acres at Southgate Avenue (unnumbered) from single-family and duplex (R6) to office-limited (OL).

Existing Zoning

R6 district R6 is intended for single-family and duplex dwelling units at 6.2 dwelling units per acre.

Proposed Zoning

OL district OL is intended for moderate intensity office uses.

SUBAREA 11 PLAN POLICY

Residential Medium (RM) RM policy is intended for residential development at 4 to 9 dwelling units per acre. RM policy was applied to this area with the intent of preserving the character and integrity of this viable residential area. The Subarea 11 Plan was last updated on April 15, 1999.

Policy Conflict Yes. The Subarea 11 Plan's RM policy calls for residential development in this area, while office zoning would be inconsistent with this policy. The text of the Subarea 11 Plan states: "The present density is in the low end of the RM policy range and should be monitored so as to remain that way. Emphasis should be placed on stabilizing the area, particularly in the northern portion, through scattered site, owner-occupied infill development" (page 60, Subarea 11 Plan).

TRAFFIC Southgate Avenue is a residential street east of this site and an industrial street west of this site. It is currently constructed with approximately 23 feet of pavement.

Based on the ITE Trip Generation Manual (6th Edition), the proposed uses could generate the following number of trips per day on average:

55,000 square feet of office = 606 trips per day

Metro Traffic Engineer's Findings No recommendations were received from the Public Works Department by the staff report deadline.

Mr. Tim Farley, Harvest Construction, spoke in favor of the proposal and stated there have been numerous unsuccessful attempts to change this property to residential.

Mr. Marvin Neeley, property owner, spoke in favor of the proposal.

Mr. Jerry Bowles, area resident, stated he had rather have a commercial building there because residential homes would be right on top of other homes.

Ms. Della Van Scop, spoke in favor of the proposal.

Mr. Farley added, Councilmember Greer is in favor of the proposal, but was unable to attend today's meeting.

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

Ms. Nielson stated this would set a precedent for more commercial in this area and it is against the plan.

Ms. Jones stated this would be a buffer between residential and industrial and usually we have that.

Mr. Leeman stated staff looked at that and there is only one way in and one way out.

Councilmember Summers stated the Subarea plan says it is a residential area and Councilmember Greer can deal with the zoning at council, but from a planning standpoint it should not be changed.

Vice Chairman Small moved and Councilmember Summers seconded the motion, which carried unanimously, to disapprove:

Resolution No. 2002-463

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-125U-11 is **DISAPPROVED (10-0)**:

The proposed OL district is not consistent with the Subarea 11 Plan's Residential Medium (RM) policy calling for residential development at 4 to 9 dwelling units per acre. The plan also states that emphasis should be placed on stabilizing the area, particularly in the northern portion, through scattered site, owner-occupied infill development. All vehicular traffic to the proposed OL district would be required to pass through an established residential neighborhood."

13. 2002Z-127U-05
Map 83-6, Parcels 276 and 277
Subarea 5 (1994)
District 6 (Beehan)

A request to change from CN district to MUL district properties at 103 and 105 Scott Avenue at the intersection of Scott Avenue and Eastland Avenue, (0.76 acres), requested by Kevin Estes of Dale and Associates, applicant, for Affordable Housing Resources, owner.

Mr. Hardison stated staff recommends approval.

Project No. Zone Change 2002Z-127U-05
Associated Case None
Council Bill None
Staff Reviewer Hardison

Staff Recommendation *Approve*

APPLICANT REQUEST Rezone 0.76 acres from Commercial Neighborhood (CN) to Mixed Use Limited (MUL) at 103 and 105 Scott Avenue.

Existing Zoning

CN zoning CN zoning is intended for very low intensity retail, office, and commercial service uses at a neighborhood-scale.

Proposed Zoning

MUN zoning MUL is intended for a medium intensity mixed-use of residential, office and commercial uses.

SUBAREA 5 PLAN POLICY

Residential Medium (RM) The RM policy is intended for residential uses at 4 to 9 units per acre.

Existing Unmapped Commercial

Node (RN) The unmapped commercial node is intended to allow small pockets of neighborhood scale commercial development.

Policy Conflict None. Although this property is located within the RM policy area of Subarea 5, the intersection of Eastland Avenue and Scott Avenue is considered an unmapped commercial node within the Subarea 5 Plan. The commercial node is designated to be compatible with the Retail Neighborhood (RN) policy, which allows for 30,000 to 100,000 square feet of commercial development. This property is currently zoned for commercial use. The property to the west on Eastland has been zoned MUL since 1996, so this proposed rezoning is not out of character with the area.

RECENT REZONINGS None

TRAFFIC **Based on typical uses in MUL zoning such as office, multi-family, retail or restaurant approximately 89 to 992 trips per day could be generated by these uses (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.**

Traffic Engineer's Finding No recommendations were received from the Public Works Department by the staff report deadline.

Mr. Mike Claiman, requested the Commission put in a recommendation that planning work with the Department Of Transportation and Public Works to put in a sidewalk with a grass median.

Mr. Steve Neighbors, president of Affordable Housing Resources, spoke in favor of the proposal.

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

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

Resolution No. 2002-464

"BE IT RESOLVED by the Metropolitan Planning Commission that the following Zone Change Proposal No. 2002Z-127U-05 is **APPROVED (10-0)**:"

The proposed MUL is consistent with the Subarea 5 Plan’s unmapped Retail Neighborhood (RN) policy allowing 30,000 to 100,000 square feet of commercial development at a neighborhood scale, which is within the Subarea 5 Plan’s Residential Medium (RM) policy.”

PRELIMINARY SUBDIVISION PLATS

15. 2002S-289G-14
Cobblestone Landing
Map 87, Parcels 42, 130, 131 and 133
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary plat approval for 71 lots abutting the east margin of New Hope Road, approximately 598 feet south of New Hope Meadows Road, (38.25 acres), classified within the RS15 district, requested by Classic Properties, owner/developer, Civil Site Design Group, surveyor.

Ms. Scott stated staff recommends approval with conditions.

Project No. Subdivision 2002S-289G-14
Project Name Cobblestone Landing Subdivision
Associated Cases None
Deferral This case was deferred by the Planning Commission on 11-14-02 until the 12-12-02 Planning Commission Meeting.
Staff Reviewer Scott

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 38.25 acres into 71-lot Cluster Lot subdivision, at a proposed density of 1.86 dwelling units per acre.

The balance of this subdivision, an additional 103.7 acres, is located in Wilson County. The Wilson County portion of this subdivision received its final approval for zoning for a PUD on October 28, 2002 by Mt. Juliet City Commission. This property is proposed to have an additional 231 dwelling units, approximately 12,000 square feet of retail space that will be located near Old Lebanon Dirt Road, greenway trails, and a community center with a swimming pool.

ZONING **The RS15 district requires a minimum lot size of 15,000 square feet.**

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 square foot lots) to RS7.5 (minimum 7,500 square foot lots).

Applicant has justified utilizing the cluster lot option by providing for additional open space and asserting that significant vegetation will be preserved in open space areas. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase. The amount of open space required for this cluster lot subdivision is 5.74 acres. The applicant allows for 14.73 acres of open space or 39%, which exceeds the minimum open space requirements.

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

The proposed plat shows a standard “B” landscape buffer yard between the abutting southern property line from lot 2 to the edge of lot 26. All lots located along this property line are reduced one zoning district size. A “B” landscape buffer yard is located along the northern property line from lot 64 to lot 71, along the property line extending north from lot 64 and along the north property line extending east to the edge of lot 50.

SUBDIVISION DETAILS

Street Layout and Design Access to Cobblestone Landing is proposed from North New Hope Road. The Major Street Plan identifies North New Hope Road as a collector road. The Subdivision Regulations require 60 feet of right-of-way (ROW) for a collector road and 37 feet of pavement. Currently, North New Hope Road is not built to the standards. The applicant is dedicating the required 5 feet of ROW along the roadway.

Public Works has identified a sight distance problem at the proposed location for the intersection. The applicant will reconstruct North New Hope Road. Approximately 7.5 feet will be removed from the hill to provide adequate sight distance and a southbound left turn lane will be constructed.

Due to the development anticipated in Wilson County and along North New Hope Road, the northbound approach on North New Hope Road will be widened to include separate left and right turn lanes at the intersection with Old Lebanon Dirt Road.

The plat proposes a street connection to the property to the east, in Wilson County, that is proposed for 231 dwelling units and commercial development. The plat also proposes two stub-out streets to the south for future development.

Blue-Line Stream and Ponds There is an existing blue-line stream located north of the property. The part of the mandatory 25’ buffer located within the subdivision is preserved and located in the common open space of Cobblestone Landing.

Critical Lots Lots 38,39,56, 57, and 58 are labeled as critical lots. The critical lot regulations require that these lots have plans approved by the Planning Commission at the time of application for a building permit. No clearing or grading may take place on these lots prior to approval of the critical lot plan.

SUBDIVISION VARIANCES None

TRAFFIC

Traffic Study Submitted Yes

Traffic Engineer’s Recommendation

Improvements should be completed as shown (on plans) at the intersection of New Hope Rd and Road A, which includes reconstruction of a hill profile and construction of a left turn lane on southbound New Hope Rd.

As recommended in the traffic impact study, the northbound approach on New Hope Rd should be widened to include separate left and right turn lanes at the intersection with Old Lebanon Dirt Rd.

Based on the volumes indicated in the traffic impact study, the location of attractions surrounding the proposed development in the Hermitage area, and the existing subdivision regulations we recommend that Road A be constructed to collector standards.

Note: Staff recently met with Public Works staff to discuss this recommendation. The applicant presented new data in the traffic study. Based on Public Work’s analysis of the new traffic study, the traffic volume on Road A will not warrant construction of the road to collector standards.

To ensure the surrounding roadway network will be able to accommodate the traffic generated by the proposed development, we recommend that prior to constructing the connection between Davidson County and Wilson County that the connection to Old Lebanon Dirt Rd in Wilson County should be complete. This will also serve to provide improved access for emergency vehicles and other public services.

It is important to note that, as indicated in the traffic impact study, portions of New Hope Rd "include substantial vertical curves that limit the sight distance available for motorists turning from roadways and driveways". The impact study also notes "the northernmost portion of New Hope Rd includes a significant horizontal curve immediately south of the intersection with Old Lebanon Dirt Rd".

CONDITIONS

Subject to a revised plat prior to recordation.

The following road improvements must be completed or bonded prior to any final plat recordation:

Reconstruction of hill profile on North New Hope Road at intersection with Road "A".

A left turn lane on southbound North New Hope Road.

The northbound approach on North New Hope Road widened to include separate left and right turn lanes at the intersection with Old Lebanon Dirt Road.

Road "A" is built to the Local Road standard in the Subdivision Regulations with 46' ROW and 23' of pavement as shown on the plat.

Add note on final plat to all stub streets "Temporary turnaround, road to be extended in future."

To ensure the surrounding roadway network will be able to accommodate the traffic generated by the proposed development, we recommend that prior to constructing the connection between Davidson County and Wilson County that the connection to Old Lebanon Dirt Rd in Wilson County should be complete.

With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, public utilities and landscape buffer yards.

Mr. McLean reminded Chairman Lawson the public hearing was closed at the last meeting.

Mr. Fox stated the public hearing could be reopened.

Chairman Lawson asked the Commission for their preference.

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

Mr. Rob Porter spoke in favor of the proposal and explained details regarding traffic and safety.

Mr. Stephen Felts expressed concerns regarding road connections and conditions.

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

Resolution No. 2002-465

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-289G-14, is **APPROVED WITH CONDITIONS (10-0)**.

Staff recommends approval subject to the following conditions:

1. A revised plat must be submitted to the Planning Department prior to recordation.
2. The following road improvements must be completed or bonded prior to any final plat recordation:
 - a. **a. Reconstruction of hill profile on North New Hope Road at intersection with Road "A".**
 - b. **b. A left turn lane on southbound North New Hope Road.**
 - c. **c. The northbound approach on North New Hope Road widened to include separate left and right turn lanes at the intersection with Old Lebanon Dirt Road.**
3. **Road "A" is built to the Local Road standard in the Subdivision Regulations with 46' ROW and 23' of pavement as shown on the plat.**
4. **Add note on final plat to all stub streets "Temporary turnaround, road to be extended in future." extended in future."**
5. **To ensure the surrounding roadway network will be able to accommodate the traffic generated by the proposed development, we recommend that prior to constructing the connection between Davidson County and Wilson County that the connection to Old Lebanon Dirt Rd in Wilson County should be complete.**
6. With the final plats for each phase, bonds will be needed for the extension of streets and sidewalks, public utilities and landscape buffer yards."

16. 2002S-300G-14

Towering Oaks
Map 109, Parcel 141
Subarea 14 (1996)
District 12 (Ponder)

A request for preliminary plat approval for 54 lots abutting the north margin of Stewarts Ferry Pike, approximately 1,191 feet west of South New Hope Road, (22.0 acres), classified within the RS15 district, requested by Harvest Christian Fellowship, owner/developer, Batson and Associates, Inc., surveyor.

Mr. Mitchell stated staff recommends approval with conditions.

Project Name Towering Oaks Subdivision

Associated Cases None

Staff Reviewer Mitchell

Staff Recommendation *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 22 acres into a 54-lot Cluster Lot subdivision, at a proposed density of 2.45 dwellings units per acre.

ZONING **RS15 district, requiring a minimum lot size of 15,000 square feet.**

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots). Although allowed to reduce minimum lot size two base zone districts, the applicant has chosen to use the RS10 district as the alternative lot size for bulk standard compliance since proposed lots range from 8,400 sq. ft. to 15,000 sq. ft. An applicant may choose to use the lowest alternative bulk standard because the proposed lots fall just above the minimum allowable lot size. The cluster lot option allows the applicant to use the alternative bulk standard that most closely resembles the alternative lot sizes chosen. Accordingly, the applicant in this case has chosen to utilize the RS10 district for alternative bulk standards.

Applicant has justified utilizing the cluster lot option because a blueline stream, feeding into the Percy Priest Lake, crosses a significant section of the property to the rear. In addition, the applicant is proposing that 26% of the site will be preserved as natural vegetation or open space. Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, open space provisions require a minimum of 15% open space per phase.

Landscape Buffer Yards The cluster lot option allows perimeter lots abutting a conventional subdivision to be reduced in size the equivalent of one zoning district with the installation of a standard “B” landscape buffer yard located within common open space, or lots may be reduced in size the equivalent of two zoning districts with the installation of a standard “C” landscape buffer yard. The applicant proposes 25-foot standard “C” buffer yards, within lot boundaries, and 20-foot standard “B” buffer yards within common open space.

SUBAREA 14 POLICY This subdivision falls within the Subarea 14 Policy’s Residential Low Medium (RLM) policy, which supports a density range of about 2 to 4 dwelling units per acre. The applicant is proposing a unit density of 2.45 units per acre.

PLAN DETAILS The plan provides for one point of access to the subdivision off Stewart’s Ferry Pike; however, four additional points of access to the subdivision are provided to the north, east, and west. This application provides an excellent example of the traditional grid-type layout with multiple points of connectivity.

In addition, sidewalks are proposed along both sides of all new roadways, in accordance with current Public Works standards.

TRAFFIC ENGINEER'S FINDINGS Approve

CONDITIONS Staff recommends conditional approval of this plat subject to the submission of a revised plat:

Add the following note, "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."
Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.

Ms. Joyce Jones, abutting property owner, stated the peak of this property is on the top of a hill with poor site distance, especially from March to October when the sunshine is directly in drivers eyes. She expressed concerns regarding traffic, property value depreciation, and allowing a cluster lot option in that area.

Mr. Bill Jones expressed concerns regarding the seller of the property.

Mr. Gary Batson stated the entrance to this development will be at the high point of the property. That is the only place to put it. There is a blue line stream and numerous large trees we will be able to save by using the cluster lot options.

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

Mr. Small stated he wants to be sure staff has looked at the possibility of water runoff from the blue line stream.

Mr. Small moved and Mr. McLean seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2002-466

"BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-300G-14, is **APPROVED WITH CONDITIONS AND THAT NO GRADING MAY OCCUR PRIOR TO FINAL PLAT APPROVAL (10-0).**

Staff recommends approval subject to the following condition:

1. Add the following note, "Wheelchair accessible curb ramps, complying with applicable Metro Public Works standards, shall be constructed at street crossings."
2. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements.
3. No grading may occur prior to final plat approval for any phase."

17. 2002S-302U-12
Providence Park (formerly Woodland Hills)
Map 134, Parcel 63
Subarea 12 (1997)
District 27 (Sontany)

A request for preliminary plat approval for 141 lots abutting the northeast terminus of Reischa Drive, approximately 765 feet northeast of Paragon Mills Road, (43.8 acres), classified within the R10 district, requested by Centex Homes Holdings, owner/developer Anderson-Delk and Associates, Inc., surveyor.

Mr. Kleinfelter stated staff recommends approval.

Project No. **Subdivision 2002S-302U-12**
Project Name **Providence Park**
Associated Cases None
Deferral This case was deferred by the Planning Commission on 11/14/02 until the 12/12/02 Planning Commission Meeting.
Staff Reviewer Fuller

Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Preliminary Plat Preliminary & Final Plat Final Plat

Subdivide 43.8 acres into a 141-lot cluster lot subdivision, at a proposed density of 3.22 dwelling units per acre.

ZONING R10 district requiring minimum lot size of 10,000 square feet.

CLUSTER LOT OPTION The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of R10 (minimum 10,000 sq. ft. lots) to R6 (minimum 6,000 sq. ft. lots). Proposed lots range from 6,000 sq. ft. to 16,297 sq. ft.

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 applicant successfully complies with this requirement by proposing a total of 14 acres (32%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Critical Lots There are 23 critical lots in this subdivision designated as critical lots due to steep topography, requiring individual review and approval of the grading plans for each lot by the Metro Water Services Stormwater Management division, Public Works, and Metro Planning Department staffs prior to the issuance of building permits.

Airport Impact From the report *Final Noise Exposure Maps Submittal Documents 1996 and 2001 for the Nashville International Airport* it appears that the lower portion of this property was located within the 65 DNL (Day-Night Average Sound Level) area in 1996 but was projected to not be affected by the 65 DNL in 2001. The reduction in noise levels is attributed to the retirement of old aircraft and the downsizing of flights by American Airlines. The subdivision proposal includes earth berms along the eastern boundary facing the airport to mitigate the impact of airport noise. Additional insulation requirements, if required, will be dealt with at the building permit application.

Stormwater The Tennessee Department of Environment and Conservation has determined that a small watercourse that originates in the southern corner of the property, crosses under an old roadbed, and flows northward toward I-24 is a wet weather conveyance from the road bed upstream, and a intermittent stream from the road crossing downstream. The watercourse can be altered with the appropriate permits from TDEC.

TRAFFIC

Traffic Study Submitted Yes

Public Works Traffic Report The TIS submitted for the Providence Park subdivision (formerly Woodland Hills - Phase 2) recommended no improvements would be necessary and that traffic generated from the proposed development would have little impact on the surrounding roadway network. However, it should be noted that the intersections analyzed in the TIS currently operate at Level-of-Service (LOS) D, E or F. Southbound left-turns on Linbar Drive currently operate at LOS F during the AM peak-hour. A contributing factor in the failing operation is the fact that left, through and right vehicles must all share one lane. According to the TIS, it is expected that 50% of the new development traffic (141 homes) will use

the intersection of Linbar Drive and Harding Place. As a result, delay can be expected to increase for motorists on southbound Linbar Drive when the new development is complete. Therefore, the following recommendation should help to accommodate additional traffic generated by the Providence Park subdivision:

Traffic Engineer's Recommendation A southbound left-turn lane should be constructed on Linbar Drive at the intersection with Harding Place. Approximately 28 to 30 feet of pavement width exist on Linbar Drive. Therefore, a full width widening will not be necessary. The approach should be widened to a 33-foot width (3 - 11 foot lanes) for a length of approximately 100 feet, if possible. The appropriate pavement markings will also be necessary once widening is complete. This improvement can be delayed until the approval of the final plat of phase 2.

It should also be noted that due to the current lane configuration on southbound Linbar Drive, the traffic signal at the Harding Place intersection is required to operate as a split phase. With the addition of the new left-turn lane, a split phase will no longer be necessary. As a result, a more efficient signal operation will be possible. This will result in an improvement for the entire intersection, not just the traffic on Linbar Drive.

CONDITIONS

A southbound left-turn lane should be constructed on Linbar Drive at the intersection with Harding Place. The approach should be widened to a 33-foot width (3 - 11 foot lanes) for a length of approximately 100 feet. The appropriate pavement markings will also be necessary once widening is complete. This improvement will be bonded with the final plat of phase 2.

With the final plats for each phase, bonds will be required for the extension of streets and sidewalks, public utilities and landscape buffer yards.

Mr. Todd Realad spoke in opposition to the proposal. He distributed pictures to the Commission showing the Rainwood Habitat for Humanity homes with codes violations, construction debris and trash in the yards. One picture is an air conditioner sitting beside a care parked at the home. These conditions and violations have been present for at least 6 months. He expressed concerns regarding traffic and the overcrowding of Paragon Mills School.

Ms. Chris McCarthy, Executive Director of Nashville Habitat for Humanity, stated they would comply with the 2 conditions noted in the staff report and the buildout will be completed in a very controlled manner.

Mr. Sweat asked if there were covenants attached to the homes.

Ms. McCarthy stated there are and the construction director does audits on the homes and works to make any needed improvements or clean up any violations.

Mr. Rick Shepard, with the Board of Directors of Habitat, stated Rainwood is the first type of these developments and that in the future there will be greater control over the construction.

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

Mr. Sweat moved and Mr. McLean seconded the motion, which carried unanimously, to approve the following resolution:

Resolution No. 2002-467

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2002S-302U-12, is **APPROVED WITH CONDITIONS (9-0)**.

Staff recommends approval subject to the following condition:

1. A southbound left-turn lane should be constructed on Linbar Drive at the intersection with Harding Place. The approach should be widened to a 33-foot width (3 - 11 foot lanes) for a length of

approximately 100 feet. The appropriate pavement markings will also be necessary once widening is complete. This improvement will be bonded with the final plat of phase 2.

2. With the final plats for each phase, bonds will be required for the extension of streets and sidewalks, public utilities and landscape buffer yards.”

OTHER BUSINESS

43. Executive Director Reports

46. Legislative Update

Chairman Lawson announced the January 9, 2003 meeting would begin at 4:00.

ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting adjourned at 4:45 p.m.

Chairman

Secretary

Minute approval this 9th day of January 2003

