



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission**

February 26, 2004

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Judy Cummings
Tonya Jones
Victor Tyler
James McLean
Councilmember J.B. Loring
Joe Sweat, representing Mayor Bill Purcell

Staff Present:

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

Commissioners Absent:

Stewart Clifton
Ann Nielson

I. CALL TO ORDER

The meeting was called to order at 4:06 p.m.

II. ADOPTION OF AGENDA

Mr. Small move, and Mr. McLean seconded the motion, which passed unanimously, to adopt the February 26, 2004 agenda. **(8-0)**

III. APPROVAL OF FEBRUARY 12, 2004 MINUTES

Mr. McLean moved, and Ms. Cummings, seconded the motion, which passed unanimously to approve the February 12, 2004 minutes. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Tygard spoke in favor of Item #3 – 2003Z-126G-06 and Item #4 – 2003Z-127G-06. He stated that the conditions placed on this proposal will address many of the issues and concerns expressed by the community.

Councilmember Tygard also spoke in favor of Item #5 – 2003Z-148G-06 and Item #10 – 2004Z-033G-06. He stated that he advertised these proposed zone changes in the local community newspapers and received no opposition.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- 7. 2004Z-029-G-14 RS10 to CS district property at 3746 Central Pike – deferred until March 11, 2004.
- 14. 2004S-055G-12 Addition to Indian Creek – deferred until March 11, 2004

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the deferred and withdrawn items. **(8-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

- 1. 2004Z-001T Recycling Facility Text Change - Approve with conditions
- 8. 2004Z-030U-11 Hester Ave & Glenrose Ave; R6 to CS zoning - Approve with conditions
- 9. 2004Z-031U-14 Elm Hill Pike, west of McGavock Pike; RM20 to CL zoning - Approve with conditions
- 11. 2004Z-035U-08 915 40th Ave North, CN to R6 zoning - Approve
- 12. 2004Z-034U-13 Murfreesboro Pike and Ransom Place, SCC to MUL zoning - Approve

PRELIMINARY SUBDIVISION PLATS

- 13. 2004S-050G-04 Rothwood Place– Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions)

- 15. 88P-009G-12 Autumn Oaks, Phase 8 - Approve with conditions
- 16. 95P-019G-13 Provincetown – Sign Variance
- 17. 95P-019G-13 Provincetown – Phase 3 - Approve with conditions
- 18. 2000P-003G-06 Riverwalk Community - Approve with conditions

MANDATORY REFERRALS

- 19. 2003M-122U-11 Close Alley #1928, between Nolensville Road & Harrison Street - Approve
- 20. 2004M-010U-13 Acquisition of property by Metro Nashville Airport - Approve
- 21. 2004M-011U-07 Easement Acquisition for Richland Creek Greenway - Approve
- 22. 2004M-012U-10 Underground Encroachment - Pinnacle National Bank-Approve
- 23. 2004M-013G-10 Street Closure - Shamrock Drive - Approve
- 24. 2004M-014U-08 Alley Closure off of 10th Avenue North and Monroe - Approve

Mr. McLean moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the consent agenda.

VII. REQUEST TO ADOPT UPDATED LAND USE POLICY APPLICATION DOCUMENT

Mr. Lawson announced that staff is recommending deferral of this item indefinitely to allow the Commission adequate time to study this important document and recommend changes to the staff.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to defer the adoption of the Updated Land Use Policy Application indefinitely. **(8-0)**

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

ZONING MAP AMENDMENTS

- 1. **2004Z-001T**
Council Bill No. BL2004-156

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.

Staff Recommendation - *Approve with conditions*

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 Code to designate zoning districts where a Recycling Facility is permitted, and to establish conditions for such a facility when permitted with conditions.

ANALYSIS

Existing Law: Any facility that separates 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 in the Zoning Code as follows:

"Recycling facility" means a facility where any method, technique, or process utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse of a solid waste may not be used in a manner that would constitute solid waste disposal."

"Putrescible waste" means material which is capable of undergoing the process of decomposition resulting in the formation of malodorous byproducts."

"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.

As currently drafted, the ordinance includes the following conditions that would be required to be met before a permit could be issued for a Recycling Facility:

- Minimum lot size of one acre.
- All buildings, structures, storage containers and areas, and vehicle loading/unloading areas must be located a minimum of one hundred feet from any residential zoning district boundary or residential structure.
- Landscape buffer yard. Along all residential zone districts permitting residential use, screening in the form of landscape buffer yard Standard D would be required. In addition, the entire facility must be enclosed by a chain-link type fence at least eight feet in height. The fence must be patrolled each day to remove all windblown debris captured by the fence.
- Driveway access can be from any local street, provided that street is not bounded by any residential zoning district from the driveway access point to the street's intersection with a collector street or a street designated on the major street plan. A traffic impact study must show that traffic generated to/from the site will only use streets where the existing level of service (LOS) is "D," and it is forecasted to remain at a LOS D or better with the proposed recycling facility traffic.
- All compacting, sorting, processing or storage must take place within a completely enclosed building. Loading and unloading of materials must take place on a partially enclosed loading dock if the loading dock connects directly to the building in which processing or storage of the materials takes place, or within a completely enclosed building. If a recycling facility uses a loading dock for loading and unloading, the dock may not be used for storage and must be cleaned of all materials at the close of each business day.

Recommendation: A similar ordinance was considered by the Commission at its December 12, 2002, meeting. At that time, staff recommended disapproval of the text change because the Vice Mayor had recently 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). Staff recommended that the proposed text change be considered along with all other waste management issues by the newly created Council solid waste study committee. Staff has been informed that the special committee has met several times since December 2002, but it does not appear the committee will make an official recommendation on the issue of the location of this type of waste facility.

Staff recommends approval of the proposed text change, with the condition that the ordinance should be amended to address the following issues:

1. Enclosed areas of recycling facilities permitted under this ordinance should be required to have floors made of concrete or some other hard material that permits cleaning. In addition, areas around loading docks or other high-traffic areas should be required to be paved.
2. Hours of operation should be limited to 7:00 a.m. to 6:00 p.m. for any facility located adjacent to a zoning district that permits residential uses.
3. For any facility located adjacent to a zoning district that permits residential uses, all light and glare must be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.
4. When located adjacent to a zoning district that permits residential uses, opaque fencing must be provided in compliance with the terms of §17.24.210 G. of the Landscape Buffer Yard Requirements, except that said fencing must be at least eight feet high. The ordinance should also be amended to provide that the setback requirements for screening walls and fencing contained in §17.12.04 would be superceded by the special fencing requirements for Recycling Facilities.
5. Although the term “completely enclosed building” is used by other sections of the Zoning Code, it is not defined. This opportunity should be taken to define the term to better enable the Zoning Administrator to enforce the requirement.
6. The proposed ordinance requires buildings, storage structures and loading areas to be at least 150 feet from “any residential zoning district boundary or residential structure.” That section should be amended to require the minimum distance requirement to apply to any zoning district that permits residential uses (which would include mixed use zoning districts). In addition, language should be added so that the minimum distance requirement for a “residential structure” would only apply to such structures that are legally occupied. No minimum distance requirement should be necessary for a vacant residential structure within an industrial zone district.
7. Staff believes the street standards provided in the ordinance may be too restrictive. Consideration should be given to whether the proposed street standards will provide reasonable opportunities for the location of Recycling Facilities.

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

Resolution No. 2004 –063

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-001T is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Enclosed areas of recycling facilities permitted under this ordinance should be required to have floors made of concrete or some other hard material that permits cleaning. In addition, areas around loading docks or other high-traffic areas should be required to be paved.
2. Hours of operation should be limited to 7:00 a.m. to 6:00 p.m. for any facility located adjacent to a zoning district that permits residential uses.
3. For any facility located adjacent to a zoning district that permits residential uses, all light and glare must be directed on-site to ensure surrounding properties are not adversely impacted by increases in direct or indirect ambient lighting levels.

4. When located adjacent to a zoning district that permits residential uses, opaque fencing must be provided in compliance with the terms of §17.24.210 G. of the Landscape Buffer Yard Requirements, except that said fencing must be at least eight feet high. The ordinance should also be amended to provide that the setback requirements for screening walls and fencing contained in §17.12.04 would be superseded by the special fencing requirements for Recycling Facilities.
5. Although the term “completely enclosed building” is used by other sections of the Zoning Code, it is not defined. This opportunity should be taken to define the term to better enable the Zoning Administrator to enforce the requirement.
6. The proposed ordinance requires buildings, storage structures and loading areas to be at least 150 feet from “any residential zoning district boundary or residential structure.” That section should be amended to require the minimum distance requirement to apply to any zoning district that permits residential uses (which would include mixed use zoning districts). In addition, language should be added so that the minimum distance requirement for a “residential structure” would only apply to such structures that are legally occupied. No minimum distance requirement should be necessary for a vacant residential structure within an industrial zone district.
7. Staff believes the street standards provided in the ordinance may be too restrictive. Consideration should be given to whether the proposed street standards will provide reasonable opportunities for the location of Recycling Facilities.”

2. **2003Z-080U-12**
 Council Bill No. BL2003-84
 Map 162, Parcel 55
 Subarea 12 (1997)
 District 32 (Coleman)

A request to change from AR2a district to RM9 district property located at 91 Tusculum Road, along the south margin of Tusculum Road and Benzing Road, (4.45 acres), requested by Gary Batson, agent for Janie Broadhead, owner. (Deferred from January 8, 2004)

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 4.45 acres from AR2a to RM9 district property located at 91 Tusculum Road, at Benzing Road.

Existing Zoning

AR2a district - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

Proposed Zoning

RM9 district - Intended for single-family, duplex, and multi-family dwellings at a maximum density of 9 dwelling units per acre.

SUBAREA 12 PLAN POLICY

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

Area 5G Policy - “This area includes the Brentridge, Timberlake and Saxony apartments with densities ranging from 9 to 15 units per acre. [I]n addition to the standard RMH policies, the following guideline applies to development in this area: *For the portion of this area with primary access from Tusculum and Benzing Roads, developments should be at the lower-end of the density range.*”

POLICY CONFLICT - No. The property is located at Tusculum and Benzing Road. RM9 zoning would allow 9 units per acre or a maximum of 40 total units. The subarea plan indicates a desired density limit of 9 units per acre.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in the RM9 district, approximately 265 vehicle trips per day could be generated. (Institute of Transportation Engineers, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

TRAFFIC ENGINEER'S COMMENTS - "With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations."

Public works has further noted that the proposed zoning is relatively small and that no current traffic counts are available for the intersection of Benzing Road and Tusculum Road. Visual observations of the intersection, however, indicate that Old Benzing Road is a low-volume residential street connection with Tusculum Road and that the current level of service appears acceptable.

Public Works representatives have stated they were unable to give specific recommendations without a final site development plan and possibly a Traffic Impact Study. It was indicated to staff, however, that Public Works may require the following with development of this property:

1. Access on [Old] Benzing Road as far from the intersection with Tusculum Road as possible;
2. Dedication of right-of-way to at least 50-feet, if not already existing on either street;
3. Improvements to the alignment of [Old] Benzing Road and Tusculum Road; and
4. Improvements to the cross-section of [Old] Benzing Road along the property's frontage on that road.

METRO NASHVILLE PUBLIC SCHOOLS REPORT

SCHOOLS (Projected new students) 3 **Elementary** 2 **Middle** 2 **High**

Schools Over/Under Capacity - Students would attend Cole Elementary, Antioch Middle School and Antioch High School. All three have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the schools impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$94,000 for additional school capacity in this cluster.

Planned School Capital Improvements:

Location	Project	Projected Date
Cole Elementary	Renovation	FY07-08
Antioch Cluster	Construct a new middle school for 800 students on a new site in Southeast Davidson County	FY03-04

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

Mr. George Benham, 537 Michele Drive, spoke in opposition to the proposal due to stormwater management, the density of the project, and the fact that this area is a high crime area.

Mr. Albert Lincoln, 80 Tusculum Road, spoke in opposition to the proposal due to flooding and traffic issues.

Mr. Bill Massia, 84 Tusculum Road, expressed opposition to the proposal.

Mr. Garry Batson, engineer for the project, spoke in favor of the proposal. He stated that he has been working with Councilmember Coleman as well as the community to address issues associated with this project

Mr. Calvin Pennington, proposed developer for the property, spoke in favor of the project. He stated that they continue to address each of the concerns expressed by the community and that this development would enhance the area.

Mr. Sweat requested clarification on the location of the floodplain of this area.

Mr. Tyler acknowledged that the additional two conditions placed on the proposal by Public Works addresses the concern he originally had regarding the alignment of the intersection and the width of Benzing Road.

Councilmember Loring requested clarification of the floodplain and its relation to this development.

Mr. Bernhardt stated that the issues related to the floodplain will not affect this property. He stated that the development will actually sit up on a hill, out of the floodplain area.

Mr. McLean moved and Mr. Sweat seconded the motion, which passed unanimously to approve Zone Change No. 2003Z-080U-12. **(8-0)**

Resolution No. 2004 –064

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-080U-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Access on [Old] Benzing Road as far from the intersection with Tusculum Road as possible;
2. Dedication of right-of-way to at least 50-feet, if not already existing on either street;
3. Improvements to the alignment of [Old] Benzing Road and Tusculum Road; and
4. Improvements to the cross-section of [Old] Benzing Road along the property’s frontage on that road.

The proposed RM9 district is consistent with the Subarea 12 Plan’s Residential Medium-High (RMH) policy, which is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. The Subarea 12 plan states that developments with primary access from Tusculum and Benzing Roads should be at the lower end of the density range for RMH, which is nine dwelling units per acre. Conditions are based on Public Works recommendations.”

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3. **2003Z-126G-06**
Map 155, Parcel 122
Subarea 6 (2003)
District 35 (Tygard)

A request to change from RS40 district to OL district on property at Route 5 Highway 100 on the east margin of Highway 100, approximately 150 feet south of Old Harding Pike, (3.22 acres), requested by Richard D. Jones, applicant, Betty French, owner. (Deferred from meeting of December 11, 2003).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone 3.22 acres from residential single-family (RS40) to office limited (OL) district property at Highway 100 (unnumbered), approximately 150 feet south of Old Harding Pike.

Existing Zoning

RS40 district - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

Natural Conservation Overlay - NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. In areas where development is appropriate some very low intensity commercial, community facility developments, and residential densities consistent with RLM policy may be appropriate.

Office Transition - OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Policy Conflict - No. The proposed zoning is consistent with the policy for the area. An amendment to the Bellevue Community Plan was adopted by the Planning Commission on August 14, 2003 to allow more limited commercial and office development on the east side of Highway 100 and Old Harding Pike Triangle area.

RECENT REZONINGS - Yes. Property to the north was approved by the Planning Commission on October 23, 2003 for a zone change from RS40 to CL (2003Z-112G-06) and an amendment to the PUD to replace an undeveloped bank with a fuel pumping station (97P-019G-06).

TRAFFIC - Based on the trip generation numbers for office limited (OL), this proposal will generate approximately 349 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works' Recommendations - Request zone change from RS40 to OL

Current zoning RS40, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 3 PM trips = 3

Proposed zoning OL, Peak Hour Adj. Street Traffic (Code 710)
AM trips = 164 PM tips = 197

The number of trips increases significantly with this zone change. To ensure the maintenance of an acceptable Level of Service and to retain safe and efficient traffic flow, a TIS should be required to determine any problem areas that may occur due to this change and steps that will be taken to correct those problems.

“A Traffic Impact Study (TIS) will be required to determine the additional traffic generated by the development and the required mitigations.”

Traffic received a supplement to the previous TIS, dated Oct. 2003 and revised Nov 2003. This TIS supplement was submitted by letter dated Jan. 23, 2004 and received on Feb. 5, 2004 by Traffic. Additional information was provided by e-mail on Feb. 10, 2004.

The Old Harding /Hwy 100 intersection was re-evaluated using new traffic counts. The accuracy of the counts was supported by TDOT station counts. The LOS was acceptable and no improvements shall be required at this intersection.

Traffic has prepared the following conditions for approval of these zone changes.

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.

2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.
3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft.
4. One drive shall be installed opposite the barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.
5. The driveway opposite the Barn Theater shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval.
6. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
7. No access to Moss road shall be allowed.
8. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.

Planned Roadway Capital Improvements:

Location	Project	Funding	Projected Date
Hwy 100/Temple Rd.	Widen and intersection improvements	State Funds	FY03-04

CONDITIONS

1. All access to be from Highway 100. No access from Moss Road.
2. Prior to the issuance of any temporary or final use and occupancy permits, the Public Works conditions listed above must be completed.

[Note: Items No. 3 and 4 were heard by the Commission at the same time. See Item No. 4 for individual actions and resolutions.]

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4. **2003Z-127G-06**
Map 155, Parcel 121
Subarea 6 (2003)
District 35 (Tygard)

A request to change from RS40 district to CL (5.0 acres) and OL (3.42 acres) districts property at Route 5 Highway 100 located on the east margin of Highway 100, approximately 150 feet south of Old Harding Pike, (8.42 acres), requested by Richard D. Jones, applicant, for Mary Johnson, owner. (Deferred from meeting of December 11, 2003).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Rezone one parcel from RS40 to CL (5.0 acres) and OL (3.42 acres) at Highway 100 (unnumbered), located on the east margin of Highway 100, approximately 150 feet south from Old Harding Pike (8.42 total acres).

Existing Zoning

RS40 district - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

Proposed Zoning

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

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

BELLEVUE COMMUNITY PLAN POLICY

Community Center - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods.

Office Transition - OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

Policy Conflict - No. The proposed zoning is consistent with the policy for the area. An amendment to the Bellevue Community Plan was adopted by the Planning Commission on August 14, 2003, to allow more limited commercial and office development on the east side of Highway 100 and Old Harding Pike Triangle area.

RECENT REZONINGS - Yes. The adjacent property was rezoned from RS40 to CL in July 2003. The property to the north was approved by the Planning Commission on October 23, 2003, for a zone change from RS40 to CL (2003Z-112G-06) with an amendment to the Commercial PUD for a fuel pumping station to replace an undeveloped bank (97P-019G-06).

TRAFFIC - Based on the trip generation numbers for 5.0 acres of commercial limited (CL), this proposal will generate approximately 5315 daily trips for a specialty retail center. Based on the trip generation numbers for 3.42 acres of office limited (OL), this proposal will generate approximately 1230 daily trips for a general office building (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works’ Recommendations - Request zone change from RS40 to CL and OL.

Current zoning RS40, Peak Hour Adj. Street Traffic (Code 210)

AM trips = 6 PM trips = 8

Proposed zoning 50% planned to be CL, 50% planned to be OL

CL, Peak Hour Adj. Street Traffic (Code 832)

AM trips = 1020 PM trips = 1195

OL, Peak Hour Traffic (Code 710)

AM trips = 85 PM trips = 110

Total trips

AM trips = 1105 PM trips = 1305

The number of trips increases significantly with this zone change. To ensure the maintenance of an acceptable Level of Service and to retain safe and efficient traffic flow, a TIS should be required to determine any problem areas that may occur due to this change and steps that will be taken to correct those problems.

“A Traffic Impact Study (TIS) will be required to determine the additional traffic generate by the development traffic and the required mitigations.”

Traffic received a supplement to the previous TIS, dated Oct. 2003 and revised Nov 2003. This TIS supplement was submitted by letter dated Jan. 23, 2004, and received on Feb. 5, 2004, by Traffic. Additional information was provided by e-mail on Feb. 10, 2004.

The Old Harding /Hwy 100 intersection was re-evaluated using new traffic counts. The accuracy of the counts was supported by TDOT station counts. The LOS was acceptable and no improvements shall be required at this intersection.

Traffic has prepared the following conditions for approval of these zone changes:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.
2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.
3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft.
4. One drive shall be installed opposite the barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.
5. The driveway opposite the Barn Theater shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval.
6. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
7. No access to Moss road shall be allowed.
8. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.

Planned Roadway Capital Improvements:

Location	Project	Funding	Projected Date
Hwy 100/Temple Rd.	Widen and intersection improvements	State Funds	FY03-04

CONDITIONS

1. All access to be from Highway 100. No access from Moss Road.
2. Prior to the issuance of any temporary or final use and occupancy permits, the Public Works conditions listed above must be completed.

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

Mr. Robert Shaughnessy, spoke in opposition to the proposal due to issues associated with water run-off, additional traffic that would be generated, and increased noise and air pollution in the area. He asked that if it were approved that a PUD overlay be required.

Mr. Tom Atkinson, 5019 Chaffin Drive, opposed the development due to traffic issues, increased noise and air pollution and drainage issues.

Mr. Danny McKee, 5040 Chaffin Drive, spoke in opposition to the proposal. He would like to see the area remain exclusively residential.

Mr. Richard Johns, 109 Holiday Ct., spoke in favor of the development.

Mr. McLean expressed concerns regarding the noise level associated with the proposal and its affect on the community.

Ms. Cummings commented on the petition generated by the community and stated that it was massive. She requested that the Commission discuss the issue of requesting a PUD overlay for this project if approved.

Mr. Sweat requested clarification on CL and OL zoning.

Mr. Small acknowledged that these proposed zone changes were the result of the Bellevue Area plan update and would be in favor of the proposed changes.

Ms. Jones spoke in favor of the proposal.

Councilmember Loring spoke in favor of the development.

Councilmember Loring moved and Mr. McLean seconded the motion, to conditionally approve Zone Change 2003Z-126G-06 and Zone Change 2003Z-127G-06. (7-1) No Vote – Joe Sweat

Resolution No. 2004 –065

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-126G-06 is **APPROVED WITH CONDITIONS. (7-1)**

Conditions of Approval:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.
2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.
3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft.
4. One drive shall be installed opposite the barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.
5. The driveway opposite the Barn Theater shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval.
6. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
7. No access to Moss road shall be allowed.
8. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.
9. All access to be from Highway 100. No access from Moss Road.

The proposed OL district is consistent with the Bellevue Community Plan’s Office Transition (OT) policy intended for small offices to serve as a transition between lower and higher intensity uses. The Bellevue Community Plan was amended August 14, 2003, to allow more limited commercial and office development in this area. Conditions are based on Public Works recommendations.”

Resolution No. 2004 –066

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-127G-06 is **APPROVED WITH CONDITIONS. (7-1)**

Conditions of Approval:

1. Extend the existing left turn lane (12 ft wide) on Hwy 100 from the Collins Rd intersection to the westernmost site access joint access driveway. Install required transition per AASHTO. Lane shall be marked as 2-way left turn.
2. Dedicate 1/2 of ROW along HWY 100 frontage as required for street classification of U4 (84' ROW) per TDOT's APR plans. Adjacent western property shall also dedicate such ROW along its Hwy 100 property frontage.
3. Two site driveways shall be installed with 1 entering lane and 2 exiting lanes. Driveway widths shall not exceed 35 ft.
4. One drive shall be installed opposite the barn theater drive and the other drive shall be a joint access drive with adjacent western property. Adequate sight distance shall be provided.
5. The driveway opposite the Barn Theater shall be signalized if warrants are justified at completion of property development. Developer shall conduct traffic counts and submit warrant analysis to Metro Traffic Engineer for approval.
6. Signal shall be bonded. Signal design shall provide video detection equipment for site traffic movements. Pedestrian facilities shall also be installed.
7. No access to Moss road shall be allowed.

8. Since Hwy 100 is a state facility, Hwy 100 improvements shall be submitted to TDOT for their approval.
9. All access to be from Highway 100. No access from Moss Road.

The proposed CL and OL districts are consistent with the Bellevue Community Plan's Community Center (CC) and Office Transition (OT) policies. The CC policy is intended for dense commercial areas at the edge of a neighborhood and the OT policy is intended for small offices to serve as a transition between lower and higher intensity uses. The Bellevue Community Plan was amended August 14, 2003, to allow more limited commercial and office development in this area. CL is also consistent with the surrounding zoning districts. Conditions are based on Public Works recommendations."

5. **2003Z-148G-06**
Map 102, Parcels 42, 72 and 74
Subarea 6 (2003)
District 35 (Tygard)

A request to change from R40 district to CS district properties located at 5731 River Road, River Road (unnumbered) and Charlotte Pike (unnumbered), at the southwest corner of River Road and Charlotte Pike (6.87 acres), requested by Wallace E. Johnson, applicant and owner. (Deferred from meeting of January 8, 2004).

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 6.87 acres from residential (R40) to commercial service (CS) district property at 5731 River Road, River Road (unnumbered) and Charlotte Pike (unnumbered).

Existing Zoning

R40 district - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

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

Policy Conflict - Yes. The proposed zoning district (CS) is not consistent with the RLM policy calling for residential development at a density of two to four dwelling units per acre. This rezoning would be too intense and would expand commercial uses into an established residential area. The rezoning would extend commercial zoning 800-feet into the residential policy area.

RECENT REZONINGS - A portion of parcel 043 was rezoned from R40 to CS in July 2002. Planning Commission recommended approval in May 2002.

TRAFFIC - The proposed development can be expected to generate between 1,976 vehicle trips per day for general office uses and 7,706 vehicle trips per day for shopping center uses. (Institute of Transportation Engineers, Trip Generation, 6th Edition, 1996.) Other uses at different densities could generate more or less traffic.

METRO PUBLIC WORKS FINDINGS - "A Traffic Impact Study (TIS) will be required to determine the additional traffic generated by the development and required mitigations."

The applicant was informed that a TIS was required by Public Works. A TIS has not been submitted.

Current zoning

R40, Peak adjacent street traffic (ITE Code: 210)
AM Trips = 15 **PM Trips = 11**

Proposed zoning

CS, Peak adjacent street traffic (ITE Code: 820)

AM Trips = 185

PM Trips = 672

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

Councilmember Crafton presented a petition to the Commissioners and spoke in favor of the proposed rezoning. He stated the rezoning of these parcels would be consistent with the zoning of the surrounding properties.

Mr. Wallace Johnson, property of 5731 River Road, spoke in favor of the proposed rezoning.

Mr. McLean spoke in favor of the zone change.

Mr. Small expressed concerns regarding the policy and the proposed development.

Ms. Jones spoke in favor of the proposal due to the current zoning in the immediate area.

Mr. Sweat expressed concerns regarding the island of residential in a commercial district.

Councilmember Loring moved, and Mr. McLean seconded the motion, which passed unanimously to approve Zone Change 2003Z-148G-06 and Zone Change 2004Z-033G-06. **(8-0)**

[Note: Items No. 5 and 10 were heard by the Commission at the same time. See Item No.10 for individual actions and resolutions.]

FINAL PLATS

- 6. 2003S-301G-12**
Schott Subdivision
Map 180, Parcel 38
Subarea 12 (1997)
District 31 (Toler)

A request for final plat approval to create 3 lots abutting the southern margin of Redmond Court, approximately 440 feet east of Redmond Lane (6.52 acres), classified within the AR2a District, requested by Kenneth and Linda Schott, owners, H & H Land Surveying, Inc., surveyor.

Staff Recommendation - Disapprove

APPLICANT REQUEST

Preliminary Plat Request to subdivide 2 lots on 6.52 acres into 3 lots. There is one existing home on the property that will remain on lot 2. The property is located on Redmond Court, approximately 440 feet east of Redmond Lane.

ZONING

AR2a district - AR2a zoning is intended for agricultural/residential and requires a minimum lot size of 2 acres. It is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

SUBDIVISION DETAILS - This proposal does not contain sufficient property in Davidson County to meet zoning requirements. The rear portion of the property (2.12) acres lies within Williamson County. This means that land outside of the boundaries of Davidson County is being used to meet the 2-acre minimum lot size required by AR2a zoning. If the Planning Commission approves this application, the applicant must obtain written approval from the City of Brentwood prior to the recordation of the subdivision plat. The Metro Zoning Administrator has indicated that the Williamson County property can be used to satisfy the lot size requirement.

Lot Dimensions (Sub. Regs. 2-4.2) - This plat proposes three irregularly shaped lots. The Subdivision Regulations require that side lot lines be at right angles to street lines unless a variation from this rule will result in a better street or lot plan. It appears that the reason for the irregular lot lines is to keep the existing driveway and home on one lot and still have two acres for each of the other two lots. There are not any topographic features that would necessitate the irregular shape of the lots. Although these lots are in an agricultural zone district, the proposed lots are not consistent with the original plat for the area. The original plat intended for Redmond Court to have a more uniform lot layout and street character, much like many of the surrounding subdivisions. The one exception is the common boundary between Parcel 18000003000 and 18000003300, which follows a creek bed.

The area of the three proposed lots is not consistent with the established character of Redmond Court. A strict lot comparability test was not applied because lot comparability is not a technical requirement under the Regulations for lots zoned agricultural. Since Redmond Court is established, staff felt that the area of the existing parcels should weigh heavily in the review of the three lots. Below is chart of the size of the other properties on Redmond Court: As seen by the chart above, the proposed lots would all be approximately 2 acres short of the average.

PUBLIC WORKS - No exceptions taken.

STORMWATER -The applicant submitted a request for an appeal to the Stormwater Management Board to be relieved of grading plan requirements. The appeal granted will allow the grading plans to be postponed until the time of building permit application. The appeal, 2004-12, would need to be referenced on the plat prior to recording. Further, there is no basis for a variance from the requirement that side lot lines be at right angles to the street.

STAFF RECOMMENDATION - Staff recommends *disapproval* of these lots because the size and lot layout are not in keeping with the character of Redmond Court.

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

Mr. Kenneth Schott, 1026 Redmond Court, spoke in support of the proposed development. He stated that the request met the requirements of the policy.

Ms. Susan Harris, presented handouts to the Commissioners. She commented that the houses being proposed for development will be in the price range of \$300,000 to \$400,000 and will be an enhancement to the community.

Parcel ID	Acres
18000003300	2.33
18000006700	2.60
18000006300	2.96
18000006100	3.00
18000007100	3.01
18000004000	3.09
18000004300	3.11
18000003600	4.02
18000007000	5.00
18000003000	6.65
18000004400	7.10
18000006000	7.90
Average Area	4.23

Mr. Chris Alexander, of Pebble Creek, spoke in favor of the development and mentioned that he was a potential buyer.

Mr. Bobbie Piper, 1020 Redmond Court, spoke in opposition to the proposal due to issues associated with water run-off and property frontages.

Ms. Kathy Norris, 1008 Redmond Court, spoke in opposition to the proposal. She stated that the proposal is not consistent with the existing structure of the community and expressed concerns regarding water run-offs.

Ms. Cummings requested further clarification on the lots and the placement of the proposed homes on these lots.

Mr. McLean expressed concerns regarding the City of Brentwood's role in this process.

Mr. Small requested further clarification on the two acre entitlement involved with the development.

McLean asked for clarification on the setbacks required of this proposal.

Mr. Sweat expressed concerns regarding the frontage of the property on lot 2.

Councilmember Loring moved and Mr. Small seconded the motion to adopt staff recommendation to disapprove 2003S-301G-12. **(7-1) No Vote - Victor Tyler**

Resolution No. 2004 –067

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-301G-12 is **DISAPPROVED. (7-1)”**

The Commission recessed at 5:30 p.m.

The Commission resumed at 5:45 p.m.

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

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS

7. **2004Z-029G-14**
Map 86, Parcel 143
Subarea 14 (1996)
District 14 (White)

A request to change from RS10 to CS district property at 3746 Central Pike, at the west terminus of Chandler Road (1.28 acres), requested by John D. McCormick, applicant, Milton C. Wright, owner.

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change 2004Z-029G-14 to April 8, 2004. (8-0)

8. **2004Z-030U-11**
Map 119-01, Parcel 44
Subarea 11 (1999)
District 16 (McClendon)

A request to change from R6 to CS district property at Hester Avenue (unnumbered), 220 feet south of Glenrose Avenue (0.18 acres), requested by Inez P. Silverfield, applicant/owner.

Staff Recommendation - *Approve with conditions*, including no direct access to Hester Avenue, but disapprove if the Metro Council Bill permits direct access to Hester Avenue.

APPLICANT REQUEST - Rezone 0.18 acres from residential (R6) to commercial service (CS) district property at Hester Avenue (unnumbered).

Existing Zoning

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

Proposed Zoning

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

SUBAREA 11 PLAN POLICY

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

Policy Conflict - The proposed zoning district (CS) is not consistent with the RM policy calling for residential development, however, CS and OR20 districts surround the property. There is a fast food restaurant adjacent to this site and an unbuilt commercial PUD approved for a hotel to the north. Staff recommends that parcels 081 and 044 be consolidated to allow access from Nolensville Pike. No access should be allowed from Hester Avenue which is a

residential street and leads to an established residential neighborhood. This zoning district should not extend further east into the residential neighborhood.

RECENT REZONINGS - None.

TRAFFIC

Public Works Recommendation - With submittal of Final Development Plan and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.18	6.18	1	15	11	2

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.18	0.263	2,062	23	4	3

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+8	-7	+1

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.18	6.18	1	15	11	2

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	0.18	.6	4,704	3472	308	253

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+3457	+297	+251

CONDITIONS

1. No direct access to Hester Avenue.

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

Resolution No. 2004 –068

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-030U-11 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. No direct access to Hester Avenue.

The proposed CS district is not consistent with the Subarea 11 Plan’s Residential Low Medium policy, however, CS and OR20 zone districts surround the property. Hester Avenue leads to an established residential neighborhood. Therefore, no direct access to Hester Avenue shall be permitted, but disapprove if the Metro Council Bill permits direct access to Hester Avenue.”

-
- 9. 2004Z-031U-14**
Map 095-15, Part of Parcel 34
Subarea 14 (1996)
District 15 (Loring)

A request to change from RM20 to CL district a portion of property at Elm Hill Pike (unnumbered), approximately 325 feet west of McGavock Pike (0.05 acres), requested by Eugene W. Ward, applicant, Metro Government, NES Power Board, owner.

Staff Recommendation - *Approve with conditions.*

APPLICANT REQUEST - Rezone 0.05 acres from residential multi-family (RM20) to commercial limited (CL) district property at Elm Hill Pike (unnumbered).

Existing Zoning

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

Proposed Zoning

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

SUBAREA 14 PLAN POLICY

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The predominant uses include retail and office activities such as eating establishments, automobile sales, rental, and service, hotels and motels, and consumer services.

Policy Conflict - No. The proposed zoning district (CL) is consistent with the CAE policy in that it stabilizes the current condition. It is also consistent with the surrounding zoning pattern. This parcel is surrounded by CL zoning and CS zoning across the street. This property has direct access to Elm Hill Pike, which is designated as an urban arterial.

RECENT REZONINGS - Parcels 044 and 006 were rezoned to the north from CL to CS in January 2001. Planning Commission recommended disapproval in December 2000. Parcels 008, 009, 010 to the east were also rezoned in January 2001 and Planning Commission recommended approval in November 2000.

TRAFFIC

Public Works Recommendation - No exception taken. Request ROW for continuous alignment on Elm Hill Pike.

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low Rise Residential Condo (231)	.05	20	1	--	14	17

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	.05	.172	375	18	7	9

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

Land Use (ITE Code)	Acres	--	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	-7	-8

Maximum Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low Rise Residential Condo (231)	.05	20	1	--	14	17

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	.05	0.6	1,307	964	86	71

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	--	+72	+54

Planned Roadway Capital Improvements:

Location	Project	Funding	Projected Date
ELM HILL PIKE	ELM HILL PIKE AND SPENCE LANE IMPROVEMENTS ROW-ENGINEERING-CONSTRUCT	FEDERAL FUNDS AND APPROVED G.O. BONDS	FY03-04

CONDITIONS

1. Prior to the issuance of any use and occupancy permits, right-of-way requested by Metro Public Works for continuous alignment on Elm Hill Pike shall be provided.

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

Resolution No. 2004 –069

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-031U-14 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any use and occupancy permits, right-of-way requested by Metro Public Works for continuous alignment on Elm Hill Pike shall be provided.

The proposed CL district is consistent with the Subarea 14 Plan’s Commercial Arterial Existing policy intended to recognize existing areas of commercial uses situated in a linear pattern along arterial streets between major intersections. CL is also consistent with the surrounding zoning districts along Elm Hill Pike. Prior to the issuance of any use and occupancy permits, right-of-way requested by Metro Public Works for continuous alignment on Elm Hill Pike shall be provided.”

- | | |
|------------|--|
| 10. | 2004Z-033G-06
Map 102, Parcel 65
Subarea 6 (2003)
District 35 (Tygard) |
|------------|--|

A request to change from RS80 to CS district a portion of property at 7118 Charlotte Pike, approximately 1,100 feet south of River Road, (7.3 acres), requested by Jacky Allen, for Frank and Connie Mayo, owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 7.3 acres from residential single-family (RS80) to commercial service (CS) district property at 7118 Charlotte Pike.

Existing Zoning

RS80 district - RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN POLICY

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

Natural Conservation (NCO) - NCO is intended for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development. NCO policy should be applied to large areas that are generally unsuitable for urbanization due to the presence of extensive amounts of land with unstable soils, 20%+ slopes or other physical features that are severe constraints to urban development. Due to their environmentally sensitive character, NCO areas are generally unsuitable for conventional suburban or urban development. The predominant types of land use anticipated in these areas are very low intensity residential, commercial (convenience scale) and community facility developments. Examples of low intensity, non-residential development include convenience retail, athletic fields, and hiking trails.

Agricultural uses are also found in NCO areas. Specific residential densities in NCO areas should be determined by physical site characteristics and the availability of services, particularly sewers. In general, the more environmentally sensitive or remote a site is, the lower the acceptable density. In general, densities should not exceed one dwelling unit per two acres.

Policy Conflict - Yes. The proposed CS district is not consistent with the RLM or NCO policies. This site is mostly characterized by steep hillsides in which the NCO policy is applied calling for one dwelling unit per two acres. The RLM policy area is concentrated along the west portion of the property closest to River Road, which calls for residential development at a density of two to four dwelling units per acre. CS zoning would be too intense and would expand commercial uses into an established residential area. If approved, access should not be permitted through the RLM policy area.

RECENT REZONINGS - A portion of parcel 043 was rezoned from R40 to CS in July 2002. Planning Commission recommended approval in May 2002. Parcel 43 falls within the current CMC policy.

TRAFFIC

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

Typical Uses in Existing Zoning District: RS80

Land Use (ITE Code)	Acres	Units per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	7.3	0.46	3	42	12	5

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	7.3	0.066	20,987	901	22	79

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			--	+859	+10	+74

Maximum Uses in Existing Zoning District: RS80

Land Use (ITE Code)	Acres	Units per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	7.3	0.46	3	42	12	5

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square footage	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	7.3	0.6	190,792	8189	197	714

Change in traffic between Maximum Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			--			

	--	--	--	+7998	+132	+627
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Resolution No. 2004 –070

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-148G-06 is **APPROVED. (8-0)**

Although the proposed CS district is not consistent with the Bellevue Community Plan’s Residential Low Medium policy, it is consistent with the surrounding zoning districts and uses along Charlotte Pike and River Road.”

Resolution No. 2004 –071

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-033G-06 is **APPROVED (8-0).**

Although the proposed CS district is not consistent with the Bellevue Community Plan’s Residential Low Medium policy, it is consistent with the surrounding zoning districts and uses along Charlotte Pike and River Road.”

- 11. 2004Z-035U-08**
Map 91-08, Parcel 288
Subarea 8 (2002)
District 21 (Whitmore)

A request to change from CN to R6 district property at 915 40th Avenue North, south of Albion Street, (0.26 acres), requested by Mitchell Pollard for Deborah Perrin and Shirley Fuller, owner.

Staff Recommendation -Approve

APPLICANT REQUEST

Rezone approximately 0.26 acres from commercial neighborhood (CN) to residential single-family and duplex (R6) district property located at 915 40th Avenue North, approximately 300 feet south of Albion Street.

Existing Zoning

CN district - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses, which provide for the recurring shopping needs of nearby residential areas.

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN POLICY

Neighborhood General (NG) Within the Tomorrow’s Hope Detailed Neighborhood Plan

“Most of the remainder of College Heights / Clifton and Tomorrow’s Hope is primarily lower intensity residential in character; this plan envisions the character to remain as such. This Neighborhood General area does, however, encourage an appropriate balance of housing types.” The Detailed Neighborhood Design Plan (DNDP) calls for Single-Family Attached or Detached Housing. “This category includes a mixture of single-family housing that varies based on the size of the lot and building placement on the lot. Detached houses are single units on a single lot. Attached houses are single units that are attached to other single-family houses (e.g. townhouses).”

This parcel, parcel 288, is one of three parcels that are specifically called out in the DNDP as being “nonconforming existing uses and/or zoning.”

Policy Conflict - No. The proposed zoning request is consistent with the NG land use policy and the Detailed Neighborhood Design Plan. The requested rezoning is supported and recommended to bring the lot back into conformity with the adopted land use plan.

Recommended Actions - “Important for all neighborhoods is an attention to design for new and rehabilitated structures. The detail drawings and accompanying Building Typology diagrams in the Subarea 8 document serve as guidelines for handling appropriate new construction in these neighborhoods.” As part of the Tomorrow’s Hope DNDP, the following actions need to be recognized and implemented as part of any redevelopment of this subject site: 1) Construct new sidewalks and reconstruct dilapidated ones along the west side of 40th Avenue, North.

RECENT REZONINGS - No

TRAFFIC

Public Works Recommendation - No exception taken.

Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.26	0.168	1,903	78	13	10

Typical Uses in Proposed Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.26	6.18	2	80	15	9

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

Land Use (ITE Code)	Acres	--	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+2	+2	-1

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.26	0.25	2,831	32	5	5

Maximum Uses in Proposed Zoning District: R6

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.26	6.18	2	80	15	9

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

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

--	--	--	--	+48	+10	+4
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SCHOOLS 1 Elementary 1 Middle 1 High

Schools Over / Under Capacity - Students would attend Cockrill Elementary, Bass Middle, and Pearl-Cohn High School. Cockrill Elementary and Bass Middle have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

Fiscal Liability - The Metro School Board reports that due to the overcrowded condition of the schools possibly impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning will generate a capital need liability of approximately \$25,000.00 for additional school capacity in this cluster.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –072

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No 2004Z-035U-08 is **APPROVED (8-0)**.”

The proposed R6 district is consistent with the North Nashville Community Plan’s Neighborhood General (NG) policy within the Tomorrow’s Hope Detailed Neighborhood Design Plan (DNDP). The NG policy is intended to encourage an appropriate balance of housing types. The DNDP calls for Single-Family Attached or Detached housing and designates this parcel as being a nonconforming existing use and/or zoning. This rezoning would bring the lot back into conformity with the adopted land use plan.”

- 12. **2004Z-034U-13**
Map 135, Parcels 261, 411
Subarea 13 (2003)
District 28 (Alexander)

A request to change from SCC to MUL district properties at Murfreesboro Pike (unnumbered) at the corner of Murfreesboro Pike and Ransom Place, (6.03 acres), requested by MEC, Inc., for Frances Ransom, et al, and Karen Ransom Bennett, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 6.03 acres from shopping center community (SCC) to mixed use limited (MUL) district property at Murfreesboro Pike (unnumbered), at the northwest corner of Murfreesboro Pike and Ransom Place.

Existing Zoning

SCC district - Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

Proposed Zoning

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

ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY

Retail Concentration

Super Community (RCS) - Super community scale concentrations serve essentially the same function as community scale concentrations but are generally larger in size and provide a wider array of goods and services. Typical RCS uses include retail shops, consumer services, restaurants, and entertainment. In RCS areas that are located at highway interchanges, a limited amount of uses intended to serve travelers is also appropriate. In addition,

super community scale retail concentrations usually contain large, single, specialized retail stores, which draw people from a wider market area.

Policy Conflict - No. The proposed MUL district is consistent with the Antioch-Priest Lake Subarea Plan. The MUL district will provide an opportunity for commercial and office development near the Murfreesboro Pike commercial corridor, while it will also provide the opportunity for a residential transition between the commercial development and the single-family development already existing. Because this is a sensitive location, mixed use zoning is appropriate to help provide a transition.

RECENT REZONINGS - Yes. This property was rezoned from AR2a, R15, and RS10 districts to SCC district in 2000 (Council Bill BL2000-306).

TRAFFIC

Public Works Recommendation - With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations. Must use existing access to Ransom Place. No new drive to Ransom Place.

Typical Uses in Existing Zoning District: SCC

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Fast-Food Restaurants w/ Drive-Thru (834)	6.03	0.024	6,304	3128	315	211

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/ Convenience Market (845)	6.03	0.058	15,235	2480	154	204

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	+8,931	-648	-161	-7

Maximum Uses in Existing Zoning District: SCC

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.03	0.50	131,333	5637	136	492

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	6.03	1.0	262,667	11274	271	983

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

Land Use (ITE Code)	Acres	--	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--	--	--	+5637	+135	+492

Planned Road Capital Improvements: None

SCHOOLS 14 Elementary 10 Middle 8 High

Schools Over/Under Capacity - Students would attend Una Elementary, Apollo Middle School and Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated January 16, 2004.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,300 sq. ft. of floor area.

Fiscal Liability - The Metro School Board reports that due to the overcrowded conditions of the schools impacted by this proposed rezoning, approval of the rezoning and the development permitted by the rezoning could, if the property is developed for residential uses, generate a capital need liability of approximately \$426,000 for additional school capacity in this cluster.

Resolution No. 2004 –073

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-034U-13 is **APPROVED. (8-0)**”

The proposed MUL district is consistent with the Antioch-Priest Lake Community Plan’s Retail Concentration Super Community (RCS) policy which calls for community scale concentrations generally larger size and provide a wider array of goods and services. The MUL district will provide an opportunity for commercial and office development near Murfreesboro Pike commercial corridor, while it will also provide an opportunity for transition between the existing commercial and single-family development.”

X. PRELIMINARY SUBDIVISION PLATS

- 13. 2004S-050G-04**
Rothwood Place
Map 52-05, Parcels 183, 184
Subarea 4 (1998)
District 4 (Craddock)

A request for preliminary plat approval to create 4 lots abutting the south margin of Rothwood Avenue, at the southern terminus of Neelys Chase Drive (1.2 acres), classified RS10, requested by James Dillard, owner, Dale & Associates, surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Subdivide 1.2 acres into 4 lots along the south side of Rothwood Avenue, at the southern terminus of Neelys Chase Drive.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and intended for single-family dwellings at an overall density of 3.71 dwelling units per acre.

SUBDIVISION DETAILS - This plat meets lot comparability for lot frontage and area and is consistent with the Subarea 4 Plan's land use policy for the area. Proposed lot sizes range from 10,800 square feet to 16,100 square feet, which is larger than the surrounding lots on Rothwood that are within a Residential Planned Unit Development.

Sidewalks are not required along Idlewild Drive since there are two existing homes that face this street, while approximately 220 feet of sidewalks are proposed along Rothwood Avenue. This sidewalk will tie into the existing sidewalk along Rothwood.

STORMWATER - A Stormwater appeal was made by the applicant to allow the subdivision to place a drainage filter swale in a 10 foot easement within lots 1 and 3. A variance from the Metro Stormwater Committee is required since this drainage feature is not proposed within common open space. Staff recommends approval subject to the Stormwater Committee's approval of this appeal.

TRAFFIC ENGINEER'S FINDINGS - No exception taken.

CONDITIONS - Staff recommends conditional approval of this preliminary plat, subject to the following conditions:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
2. NES approval shall be submitted prior to final plat recordation.
3. Prior to final plat approval, the plat must be revised to either place the proposed drainage filter swale into common open space, or the Metro Stormwater Committee must approve a variance.

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

Resolution No. 2004 -074

"BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004S-050G-04 is **APPROVED WITH CONDITIONS. (8-0)**.

Conditions of Approval:

1. Performance bonds must be posted to secure the satisfactory construction, installation, and dedication of all required public improvements prior to final plat recordation.
2. NES approval shall be submitted prior to final plat recordation.
3. Prior to final plat approval, the plat must be revised to either place the proposed drainage filter swale into common open space, or the Metro Stormwater Committee must approve a variance.

- 14. 2004S-055G-12**
Addition to Indian Creek
Map 181, Parcel 36 & 37
Subarea 12 (1997)
District 31 (Toler)

A request for preliminary plat approval for 188 lots located on the south margin of Culbertson Road, approximately 700 feet southwest of Old Hickory Boulevard (60.54 acres), classified within the RS10 District, requested by Hurley-Y, owner, Anderson-Delk & Associates, Inc., surveyor.

The Metropolitan Planning Commission voted unanimously to DEFER Preliminary Subdivision Plat No. 2004S-055G-12 to March 11, 2004. (8-0)

XI. PLANNED UNIT DEVELOPMENTS (revisions)

- 15. 88P-009G-12**
Autumn Oaks, Phase 8
Map 181, Parcel Part of 43
Subarea 12 (1997)
District 31 (Toler)

A request for final approval for a phase of the Residential Planned Unit Development located abutting the east margin of Nolensville Pike south of Culbertson Road, classified R20 (9.37 acres), to permit the development of 36 single family lots, requested by Wamble and Associates for Autumn Oaks LLC owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Permit the development of 36 single-family lots on the 9.37-acre phase 8 of the Autumn Oaks Residential Planned Unit Development. This phase is an extension of Autumn Crossing Way, Oakfield Grove, and Oakfield Way. The entire PUD is located along the east side of Nolensville Pike, approximately one-half mile south of Culbertson Road.

PLAN DETAILS

This request for final PUD approval for phase 8 is consistent with the revision to preliminary that was heard, and approved, by the Planning Commission on September 26, 2002. That plan revised phases 5 through 10 of the PUD by allowing 18 single-family lots in phase 5, replacing 14 single-family lots approved in 1988. The 9/26/02 plan also revised the layout of several phases in order to provide more street connectivity throughout the remainder of the development.

The overall revised preliminary plan includes 354 single-family lots—the same number approved on the original 1988 preliminary PUD plan.

Fourteen of the thirty-six lots will be designated as critical lots due to floodplain and will be reviewed and approved by Metro Water Services and the Planning Department prior to the issuance of any building permits. A final plat must be recorded and bonds must be posted for the construction of public sidewalks and other necessary public improvements.

TRAFFIC ENGINEER'S COMMENTS - The construction plans for a left turn lane on Nolensville Road at the site access road shall be submitted to Metro Public Works. Construction shall begin on the turn lane after approval of plans and completed in a timely manner and before approval of subsequent phases.

CONDITIONS

1. A minimum of 30% capacity shall be purchased, to receive the required Availability Letter, prior to the Planning Commission meeting on February 26, 2004.
2. Prior to the issuance of any building permits, construction plans for a left-turn lane on Nolensville Road, at the site access road, shall be submitted to Metro Public Works for review and approval. Construction shall begin on the turn lane after approval of plans and completed in a timely manner and before approval of subsequent phases.
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. A final plat shall be recorded prior to the issuance of any building permits.

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

Resolution No. 2004 –075

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 88P-009G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A minimum of 30% capacity shall be purchased, to receive the required Availability Letter, prior to the Planning Commission meeting on February 26, 2004.
2. Prior to the issuance of any building permits, construction plans for a left-turn lane on Nolensville Road, at the site access road, shall be submitted to Metro Public Works for review and approval. Construction shall begin on the turn lane after approval of plans and completed in a timely manner and before approval of subsequent phases.
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. A final plat shall be recorded prior to the issuance of any building permits.”

16. **95P-019G-13**
Provincetown
Map 164, Parcel 013
Subarea 13 (2003)
District 32 (Coleman)

A request for a variance to the sign regulation of the zoning code, Section 17.32.080 "B4", to reduces the required sign street setback from 15 feet to 0 feet within the Residential Planned Unit Development located abutting the east margin of Old Franklin Road south of Mr. View Road, classified RM15, (18.48 acres), requested by Mr. James Ruddell.

Staff Recommendation - *Approve*

APPLICANT REQUEST - Variance within a PUD

Request for a variance to Section 17.32.080.B.4 (On-premises signs in residential districts) of the Metro Zoning Code to allow for the construction of a ground sign (18 feet by 6 feet tall) where the leading edge of the sign will be placed 0 feet behind the right-of-way line. The Code requires a minimum of 15 feet. The subject site is located along the east margin of Old Franklin Road, approximately .25 miles south of Mt. View Road, and is within the RM15 district.

The applicant has indicated the following reason for the proposed variance: “The [right-of-way] is 60 feet back from [the] property line. Adding [the required] 15 feet setback puts the entry monument 75 feet off of the curb. [This] creates poor location for visibility of the entry monument from people driving down the road.”

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 one 18-foot long, 6-foot tall, non-illuminated monument sign within the RM15 district. The proposed location is at the southeast corner of Old Franklin Road and Monroe Crossing Boulevard. This requested sign is the only ground sign proposed at this entrance to the development.

The Zoning Code states that the leading edge or face of the sign or any building or other structure to which the sign is attached must be set back from the public right-of-way a minimum of fifteen feet.

Having reviewed the submitted site plan and application, staff recommends approval of the variance request for the following reason(s):

The current edge of pavement is 60 feet from the newly-platted right-of-way / property line. The sign is not requested to be placed in any portion of the right-of-way and there would be no sight visibility issues with the proposed location of the leading edge of the sign.

Approved (8-0), *Consent Agenda*

Resolution No. 2004 –076

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 95P-019G-13 (Provincetown) is **APPROVED. (8-0)”**

17. **95P-019G-13**
Provincetown – Phase 3
Map 164, Parcel 137
Map 163, Parcel 154
Subarea 13 (2003)
District 32 (Coleman)

A request for a revision to the preliminary plan and for final approval for Phase 3 of the Planned Unit Development located abutting the east margin of Old Franklin Road south of Mt. View Road, classified RM15 and MUN, (45.08 acres) to permit a redesign of roads and the development of 92 townhouse units, requested by Wamble and Associates for Centex Homes, owners.

Staff Recommendation - Approve with conditions, as well as recommend approval of a request for a Stock Pile Area Plan that would allow temporary stockpiling on phase 3 for the continued construction of Phases 1 & 2.

APPLICANT REQUEST - Revise Preliminary & Final PUD

Request for revision to the preliminary Planned Unit Development and for final PUD approval for Phase 3 of the Provincetown PUD, which will allow for the development of 92 townhouse units, on a total of 9.69 acres. This phase will join Phases 1 and 2 via the proposed roundabout that is centrally located within the PUD. This phase is located in the south and southeast corner of the preliminary PUD plan.

PUD PLAN DETAILS

History

Phases 1 & 2 - On August 28, 2003, the Metro Planning Commission granted final PUD approval for Phases 1 & 2 of the Provincetown PUD. The final PUD request was consistent with the new preliminary PUD plan, which was amended in January of 2003. Phase 1 and Phase 2 each proposed 76 townhouse units, for a total of 152 units.

Proposed Plan (Phase 3) -This final PUD request varies from the newly-adopted preliminary PUD plan by proposing that Cedar Ash Crossing, Bridgeport Lane, and Ruddell Lane all dead-end into public open spaces, which all the townhouse units will face. The roadway connectivity originally provided on this south end of the PUD is still provided via a private access drive that contains all the parking for the units. The public right-of-way areas will end

at the three public open space areas. This redesign provides a linear vista from the boulevard (Monroe Crossing) down each side street and across the green open spaces. The request for final PUD approval proposes 92 townhouse units – all of which front Monroe Crossing, Wellesley Lane, or the three new public open spaces. This phase extends Monroe Crossing through the south end of the roundabout and will connect the easternmost section of the PUD to the existing Asheford Crossing subdivision.

TRAFFIC ENGINEER’S FINDINGS

All comments were adequately addressed by the applicant upon resubmittal.

CONDITIONS

1. Prior to the issuance of the last Use and Occupancy permit for Phase 2, the grading plan for phase 3 must be approved by Metro Stormwater Management division of Water Services and Metro Planning Commission so as to preclude permanent storage of the temporary stock pile area plan that is proposed on phase 3.
2. Since landscaping is proposed within the median of Monroe Crossing, curbing shall be provided so as to minimize erosion and damage to the median from vehicles.
3. All paired crossings shall be designed so as to allow all pedestrians to cross the street in front of a stopped vehicle.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. A final plat must be recorded before the issuance of any building permits.

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

Resolution No. 2004 –077

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 95P-019G-03 (Provincetown Phase 3) is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of the last Use and Occupancy permit for Phase 2, the grading plan for phase 3 must be approved by Metro Stormwater Management division of Water Services and Metro Planning Commission so as to preclude permanent storage of the temporary stock pile area plan that is proposed on phase 3.
2. Since landscaping is proposed within the median of Monroe Crossing, curbing shall be provided so as to minimize erosion and damage to the median from vehicles.

3. All paired crossings shall be designed so as to allow all pedestrians to cross the street in front of a stopped vehicle.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. A final plat must be recorded before the issuance of any building permits.”

-
18. **2000P-003G-06**
Riverwalk Community
Map 126, Part of Parcels 47, 47.01,48
Subarea 6 (2003)
District 35 (Tygard)

A request for final approval for Phases 3C and 3D of the Planned Unit Development located abutting the north margin of Newsome Station Road and north of the CSX Transportation Railroad, classified RS15, (35 acres), to permit the development of 82 single family lots, requested by Civil Site Design Group, for CPS Land LLC partners, owners.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - Final PUD

Permit the development of 82 single-family lots (phases 3C & 3D) on approximately 35-acres of the 150.71-acre section of the Riverwalk Community residential PUD located north of the CSX railroad tracks and south of the Harpeth River. The entire 150-acre section of this PUD includes phases 2, 3, and 4.

PUD PLAN DETAILS

History - On March 15, 2001, the Planning Commission approved a revision to the preliminary and final plan approval of Phase 1, which is the section of the PUD located south of the CSX railroad tracks and along Newsom Station Road.

On May 8, 2003, Phase 2 received final PUD approval following an amendment to the PUD, which added seven single-family lots to that phase. Although the plan was amended to add lots, the overall design did not significantly change. The previous final PUD approval for Phase 2 had been provided by the Metro Planning Commission in October of 2002.

On October 13, 2003, Phases 3A & 3B received final PUD approval. That request was for 47 single-family lots along the main perimeter road on the north side of the PUD.

Proposed Plan - The phase 3C & 3D plan proposes 82 single-family lots also along the main perimeter road of the northernmost area of the PUD as well as along the eastern perimeter. These 82 lots will be located adjacent to the dedicated open space and proposed Greenway Trail – which runs along the riverside perimeter of the entire 150-acre northern portion of the PUD and adjacent to the Harpeth River.

TRAFFIC ENGINEER'S FINDINGS

The applicant adequately addressed all comments.

CONDITIONS

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

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

Resolution No. 2004 -078

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2000P-003G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

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

XII. MANDATORY REFERRALS

19. **2003M-122U-11**
Close Alley #1928 and #1928, between Nolensville & Harrison Street
Map 133-06, Parcels 38-45 and 274
Subarea 11 (1999)
District 16 (McClendon)

A request to close Alley #1928 and Alley #1929, located between Nolensville Road and Harrison Street, requested by Clyde P. Holland for various property owners.

Staff Recommendation - *Approve*

APPLICANT REQUEST - A request to close Alley # 1928 and Alley # 1929, both unbuilt, located between Nolensville Road and Harrison Street, requested by Clyde P. Holland for various property owners.

DEPARTMENT AND AGENCY COMMENTS - Metro Water Services states that easement rights must be retained for an 8 inch and a 10 inch sewer line in alley # 1928. NES will retain all easement rights, if any, in both alleys.

No other responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, and Public Works

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

Resolution No. 2004 –079

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2003M-122U-11 is **APPROVED WITH THE CONDITION THAT DRAINAGE EASEMENT AT THE WEST END OF ALLEY #1928 REMAIN UNAFFECTED.** (8-0)”

20. **2004M-010U-13**
Acquisition of property by Metro Nashville Airport
Map 120, Various Parcels
Subarea 13 (2003)
District 13 (Burch)
District 14 (White)
District 28 (Alexander)

An Ordinance, drafted by Metro Councilmembers Harold White, Carl Burch and Jason Alexander, for property acquisition of various parcels near the Metro Nashville Airport, for the purpose of acquiring property for the Metro Nashville Airport Authority Project Number 0371, Extended Approach Land Acquisition Project.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An ordinance authorizing the acquisition of 32 parcels of land near the Metro Nashville Airport, for the purpose of acquiring property for the Metro Nashville Airport Authority Project Number 0371, Extended Approach Land Acquisition Project.

This proposal involves 32 properties, 28 of which are residential properties (17 rentals and 11 owner-occupied units) and 4 of which are vacant lots. Estimated total value of the properties to be acquired is \$2,300,000.

DEPARTMENT AND AGENCY COMMENTS - Metro Water Services states that easement rights must be retained for a force main, 24-inch sewer line, 8-inch sewer line and a 6-inch sewer line on various properties.

No other responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, and NES.

Note: See following pages for additional maps/sketches

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

Resolution No. 2004 –080

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-010U-13 is **APPROVED. (8-0)”**

21. **2004M-011U-07**
Easement Acquisition for Richland Creek Greenway
Map 103-15, Parcels 001, 002, 043
Map 103-10, Parcels 135, 136
Map 103-07, Parcels 076
Map 103-15B, Parcels 070
Subarea 7 (2000)
District 24 (Summers)

An Ordinance, drafted by the Department of Parks and Recreation, authorizing the Director of Public Property to accept and record easements in favor of the Metropolitan Government on land adjacent to Richland Creek, on the east margin on White Bridge Road, from near Harding Road to near Charlotte Avenue, for the use and benefit of the Greenway Commission for the Richland Creek Greenway.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - An Ordinance, drafted by the Department of Parks and Recreation, authorizing the Director of Public Property to accept and record easements in favor of the Metropolitan Government on land adjacent to Richland Creek, on the east margin on White Bridge Road, from near Harding Road to near Charlotte Avenue, for the use and benefit of the Greenway Commission for the Richland Creek Greenway.

APPLICATION REQUIREMENTS - None

DEPARTMENT AND AGENCY RECOMMENDATIONS

This item is recommended for approval by the Emergency Communication Center, Nashville Electric Service, Metro Historical Commission, and Metro Public Works. Planning staff also supports the request.

CONDITION – Metro Water & Sewerage Services recommends approval with the condition that easement rights be retained for 36”, 42”, and a 66” water main.

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

Resolution No. 2004 –081

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-011U-07 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Metro Water & Sewerage Services recommends approval with the condition that easement rights be retained for 36”, 42”, and a 66” water main.”

22. **2004M-012U-10**
Underground Encroachment - Pinnacle National Bank
Map 092-15, Between Parcels 147 and 148
Subarea 10 (1994)
District 21 (Whitmore)

A request to encroach on the public right of way under alley #382 for a proposed drive through facility on an adjacent parcel located at the northwest corner of West End Avenue and 23rd Avenue North, for underground encroachment of electrical power and supplies to Pinnacle National Bank, applicant.

Staff Recommendation - Approve

APPLICANT REQUEST - A request to encroach on the public right of way (alley # 382, parallel to West End) on a lot located at the northwest corner of West End Avenue and 23rd Avenue North, for underground encroachment of electrical power and supplies to Pinnacle National Bank, applicant.

Included in the encroachment are two 4-1/2" steel pneumatic tubes, ten 1" schedule 40 pvc conduit tubes, one 2" schedule 40 pvc conduit tube and a 2" irrigation sleeve.

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

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, Emergency Communications Center, and NES.

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

Resolution No. 2004 -082

"BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-012U-10 is **APPROVED. (8-0)**"

23. **2004M-013G-10**
Street Closure - Shamrock Drive
Map 158-10, Parcels 16, 19
Subarea 10 (1994)
District 34 (Williams)

A request for street closure of Shamrock Drive, from the west margin of Wildwood Valley Drive, for the purposes of control of de facto private access to church for cut-thru traffic and internal circulation improvements, submitted by Ragan-Smith Associates.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST - A request for street closure of Shamrock Drive, from the west margin of Wildwood Valley Drive, for the purposes of control of de facto private access to church for cut-thru traffic and internal circulation improvements, submitted by Ragan-Smith Associates for Harpeth Hills Church of Christ.

DEPARTMENT AND AGENCY COMMENTS - Metro Water Services states that easement rights must be retained for a 6-inch water line and an 8-inch sewer line located within Shamrock Drive. NES must retain the easement distribution line in the Shamrock Drive R.O.W. Public Works recommends approval subject to approval by Brentwood of the area in their jurisdiction and consolidation of the lots. The Traffic and Parking Commission approved this recommendation.

No other responding departments or agencies take exception.

RECOMMENDATION

The Planning Department recommends approval subject to the following conditions:

1. Brentwood must approve the closure of that part of Shamrock Drive within its jurisdiction.
2. The portion of Shamrock Drive abutting parcel 16 shall be consolidated with Parcels 016, 032, 35, and 100 so as to avoid not land-locking any parcels. (All parcels are owned by Harpeth Hills Church of Christ).

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

Resolution No. 2004 –083

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-013G-10 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Brentwood must approve the closure of that part of Shamrock Drive within its jurisdiction.
2. The portion of Shamrock Drive abutting parcel 16 shall be consolidated with Parcels 016, 032, 35, and 100 so as to avoid not land-locking any parcels. (All parcels are owned by Harpeth Hills Church of Christ).

24. **2004M-014U-08**
Alley Closure off of 10th Avenue North and Monroe
Map 081-16, Parcels 181, 182, 183, 736
Subarea 8 (2002)
District 19 (Wallace)

A request for closure of an alley located on the east margin of 10th Avenue North, approximately 80 feet north of Monroe Street, for purposes of allowing connection to properties owned by Hopewell Missionary Baptist Church, applicant.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST - A request for closure of an alley located on the east margin of 10th Avenue North, approximately 80 feet north of Monroe Street, for purposes of allowing connection to properties owned by Hopewell Missionary Baptist Church, applicant.

Hopewell Missionary Baptist Church owns parcels 181, 182, and 736. House of Shepherds owns parcel 183.

DEPARTMENT AND AGENCY COMMENTS - NES shall retain all existing easements including access to maintain equipment. Any equipment relocation will be done at the expense of the applicant.

No other responding departments or agencies take exception.

RECOMMENDATION - The following departments or agencies have reviewed this request and recommended approval: Metro Public Works, Water Services, and Emergency Communications Center.

CONDITIONS

1. Prior to the issuance of any building permits, parcels 181, 182, and 736 must be consolidated.

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

Resolution No. 2004 –084

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-014U-08 is **APPROVED. (8-0)**”

XIII. OTHER BUSINESS

25. Rehearing for Subdivision Proposal No. 2003S-254G-13 Hamilton Church Road Subdivision.

Staff Recommendation - *Disapprove*

Request Councilmember Bradley has requested that the Planning Commission rehear this subdivision to specifically revisit condition 3 below, the connection to Hamilton Church Road. He has proposed delaying the connection of this development to Hamilton Church Road until Hamilton Church Road is upgraded in its entirety.

Previous Action - At the December 11, 2003, meeting, the planning commission approved this application with the following conditions:

1. All Stormwater comments must be addressed and coordinated with Planning Staff prior to grading plan approval.
2. The new subdivision spine street shall, at a minimum, meet the Metro standard for a medium density local street (ST-252 on a 50' ROW).
3. The connection to Hamilton Church Road must be constructed with the development of this subdivision; a temporary cul de sac is not approvable. Lot 1 shall not have direct access to Hamilton Church Road.
4. If designed to meet the design criteria associated with a medium density local street (ST-252), a roundabout is acceptable where the spine street intersects a cross street.
5. A bond shall be posted for the construction of the required Hamilton Church Road improvements- widening on the development side of the road to the section designated in the Major Street Plan, turning lanes on Hamilton Church Road, left turn and right turn lanes on the new roadway at Hamilton Church- in addition to any bonds necessary for infrastructure improvements

PUBLIC WORKS - The Traffic Division supports the construction of this road without a temporary cul de sac at Hamilton Church Road. The connection to Hamilton Church Road should be constructed at the time of subdivision development and other identified conditions should be installed as well.

Without this connection to Hamilton Church Road, traffic will be forced to use neighboring streets. Homeowners in this development will get used to this road not being a collector and it will be difficult to make the connection to Hamilton Church Road in the future. If this connection is not made in the future, then Tea Garden will assume the collector road role in this area. It was not designed for that use and its residents should not be expected to see their residential road serve as a collector as the area continues to develop and traffic volumes increase.

These residents purchased their homes along Tea Garden assuming that it would remain a local residential street. It is not desirable to subject these unsuspecting residents to increased traffic flow, if the neighboring subdivision road is not connected to Hamilton Church.

PREVIOUS STAFF REPORT

Preliminary Plat-Subdivide 16.63 acres into a 45-lot cluster lot subdivision, at a proposed density of 2.7 dwelling units per acre.

ZONING

RS10 District - RS10 district, requiring a minimum lot size of 10,000 square feet and permits a maximum of 61 single-family lots on this property.

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

The plan proposes lots that range in size from 7,500 to 10,488 square feet.

Pursuant to Section 17.12.080 (D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. This development proposes 21% (3.45 acres) of open space.

ANTIOCH-PRIEST LAKE - The Antioch-Priest Lake Community Plan, adopted July 10, COMMUNITY PLAN 2003, envisions a planned collector road running north-2003 UPDATE south from Hamilton Church Road to Anderson Road. This planned collector bisects the subject property.

The Planning Commission approved the rezoning of this property from AR2a to RS10 on March 13, 2003. At that time, the applicant held a community meeting. To discuss their future development plans for the property. The developer and the community agreed on specific design features of the subdivision, without the input of the Planning staff, such as no connection to Hamilton Church Road, a left turn lane off Hamilton Church Road at Tea Garden Lane, a round about, or traffic circle at the intersection of at Forest Breeze Drive and the new street in the proposed subdivision. Unfortunately, neither the developer nor the citizens from the adjacent neighborhoods voiced their concerns about these roadway issues during the community plan update that proposed the planned collector road through this property. The developer first found out about the required road connection when the submittal of the preliminary plat was made. Since that time, the developer, staff and Councilmember Bradley have attempted to strike a compromise between what the plan requires and what was promised by the applicant to the neighborhood.

Additionally, the proposed collector road is not a new idea with the 2003 update. It was included in previous plans for the area, and the developer of the Calumet PUD (the adjacent development to the west) was required to post a bond for a share of the construction of the road for 5 years. This spring, that bond was released because the 5 years had expired.

Staff has given in-depth study to the merits of reducing the proposed "collector" to a "connector" street that would allow for a local street standard. During the Antioch-Priest Lake Community Plan Process, the Planning Staff and the Public Works Staff gave careful thought to traffic patterns in this rapidly developing area to locate needed facilities. Staff found no evidence that would support a change in the adopted plan.

SUBDIVISION DETAILS -As submitted, the proposed subdivision includes the following features:
No connection to Hamilton Church until Hamilton Church is widened. The connection is proposed not to be constructed until after Hamilton Church is widened, or until the road is continued north to Anderson Road. The connection also includes a left-turn lane into the development.

A round-about at Forest Breeze Drive and the new street.

Sidewalks will be constructed on the north side of Forest Breeze Drive and Whirlaway Drive, both in adjacent subdivisions, to tie into this new development.

60 feet of right-of-way is dedicated as required by the collector cross section, however, a local street is proposed with 23 feet of pavement with 2.5 feet curb and gutter, 4 foot grass strip, and 5 foot sidewalk on each side. Right-of-way is dedicated, but not constructed, for a stub street at the northwest corner of the property for a future development to connect.

STORMWATER - The subdivision plat includes the following note, "Existing spring to be rerouted. Construct spring box with pipe beneath street which leads beneath street to detention pond."
It is not permissible for an unknown volume of water to be routed from a spring to a detention pond.

If the spring is a water of the state, an appeal from the Stormwater Management Committee is required. Documentation from the state is required.

PUBLIC WORKS -The plan submitted Nov. 21, 2003, is inconsistent with the recently approved Subarea plan. Therefore, the Traffic Division of Public Works cannot approve the plan dated 11/17/03.

The development plans shall show a road connection with Hamilton Church Road, shall remove the roundabout, and shall show the main road through the development with right-of-way and pavement width per the Collector Road standards.

CONDITIONS

1. The stub street in the northwest corner must be constructed.
2. All Stormwater comments must be addressed and coordinated with Planning Staff prior to grading plan approval.
3. The connection to Hamilton Church Road must be constructed with the development of this subdivision. Lot 1 shall not have direct access to Hamilton Church Road.
4. The proposed street shall be constructed to collector standards acceptable to Public Works, and the round-about must be eliminated.
5. A bond shall be posted for the construction of the Hamilton Church Road improvements- widening, turn lane, and street extension- in addition to any bonds necessary for infrastructure improvements.

Ms. Fuller explained that Councilmember Bradley requested the rehearing of subdivision proposal #2003S-254G-13 and presented the information to the Commission.

Ms. Fuller explained that the Commission conditionally approved this proposal on Dec. 11, 2003.

Councilmember Bradley thanked the commission for re-hearing this proposal. He explained that the main concern regarding this proposal was a safety issue associated with the proposed subdivision and its connection to Hamilton Church Road. Councilmember Bradley stated his concerns that Hamilton Church Road is steep and contains blind spots which may cause accidents if connected before the road is widened. He also added that he had Metro Police run radar at this particular area to check the speeding habits of the drivers and within 90 minutes, the Police Department had issued four speeding tickets. He proposed delaying the connection of this development to Hamilton Church Road until Hamilton Church Road was widened. Councilmember Bradley stated that it was the residents of Tea Garden and Forest Breeze who were present at the Community meetings that requested the connection not take place until the road was widened.

Councilmember Bradley also stated that the developer was willing to put up a \$40,000 bond for up to a five year period to pay for the connection to Hamilton Church Road once the road was widened.

Chairman Lawson questioned whether Capital Improvement Funds have been allotted for the improvements of Hamilton Church Road. He also questioned the mechanisms that are in place which will allow the holding of the bond until improvements have been made to Hamilton Church Road.

Mr. Bernhardt explained that the Capital Improvements fund is a lump sum and was not sure if money has had been allocated for the widening of Hamilton Church Road. He also explained that there are mechanisms in place to hold bonds, but the real issue at hand is whether the improvements are made to Hamilton Church Road within the five year period.

Mr. Small expressed concerns regarding this amendment and whether the future property owners of this development were property notified of the change.

Mr. Tom White, legal representative of the applicant, explained the intentions of the developer in conjunction with the \$40,000 bond. He stated he was not sure of the actions of the developer if the time period would expire and how it would affect the \$40,000 bond.

Chairman Lawson requested that the Planning Staff:

1. Speak with the developer, and the Public Works Department, to find out whether the bond being placed on this project is sufficient and whether the project could be completed within a five year period;
2. Speak with the developer to see if they would provide the \$40,000 to complete the connectivity if the end of the five year period was nearing – to eliminate the expiration of the bond; and,
3. Insure that those who have purchased dwellings in this development have a clear understanding of the proposed connectivity and its relation to cul-de-sacs located within the subdivision.

Mr. Sweat moved, and Ms. Jones seconded the motion to defer this item until March 11, 2004 to allow time for staff to further investigate the issues raised by the Commission at this meeting. (7-0)

26. Executive Director Reports

27. Legislative Update

XIV. ADJOURNMENT

The meeting was adjourned at 6:05 p.m.



Chairman

Secretary