



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
Of the
Metropolitan Planning Commission
January 22, 2004

PLANNING COMMISSION:

James Lawson, Chairman
Doug Small, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Ann Nielson
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
Abby Scott, Planner I
Chris Wooton, Planning Technician I
Lee Jones, Planner II

I. CALL TO ORDER

The meeting was called to order at 4:03.

II. ADOPTION OF AGENDA

Ms. Hammond stated that the final agenda for this meeting contained two addendums. The added items were: the request to rehear the Hamilton Church Subdivision, 2003S-254U-13, (Item #27) and Hickory Hills Commercial PUD, 98-73-G-02 (Item #28).

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously to adopt the agenda as amended. (9-0)

III. APPROVAL OF DECEMBER 11, 2003 MINUTES

Ms. Sweat moved, and Mr. McLean seconded the motion to approve the January 8, 2004 minutes. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Brown spoke in support of Item #1 – 2003Z-032G-14. He stated that he had letters of support from the surrounding property owners of the proposal.

Councilmember Whitson spoke regarding Item #19 – 2003S-157U-07. He expressed issues regarding the sidewalks included in the proposal. He explained that he just recently learned this item was not actually located in his district, but he has researched it for the last couple of months and wanted to share his findings on the proposal. He commented that placing sidewalks in this development would trigger additional labor for Metro and the sidewalks being requested would be isolated.

Councilmember Isabel thanked the planning commission for their service and spoke favorably regarding the request to amend the Bordeaux-Whites Creek Community Plan: 2003 Update for Clarksville Pike Detailed Neighborhood Design Plans.

Councilmember Tygard expressed concerns regarding staff's recommendation for sidewalks included in Item #3 – 2004S-014G-06.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

4. 2004S-021U-13 Mark Marshall One, east of Murfreesboro Pike, south of Edge-O-Lake Drive – Deferred to February 12, 2004
8. 2004Z-016U-12 RS15 to RM9, 5722 Cane Ridge Road – Deferred indefinitely
13. 2004Z-020U-14 R10 to CS, 115 Benson Road – Deferred to February 12, 2004
14. 2004Z-021G-03 AR2a to RM4, 5424 Clarksville Pike – Deferred to February 12, 2004
16. 2004Z-023U-10 OR20 to MUL, 4103 Hillsboro Circle – Deferred to February 12, 2004

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

VI. PUBLIC HEARING: CONSENT AGENDA

ZONING MAP AMENDMENTS

5. 2004Z-010U-13 RS7.5 to RM6 & MUL, Chadfield Way, Una-Antioch Pk., Bowfield Dr. (unnumbered) - Approve
6. 2004P-004U-13 Carrollton Station, N. of Una Antioch, opposite Hickory Hollow Pkwy. - Approve with conditions
15. 2004Z-022U-14 R10 to CS, 1510 Lebanon Pk. – Approve

PRELIMINARY SUBDIVISION PLATS

17. 2004S-038U-05 Sam Levy Homes, Phase I, W. of Ellington Pkwy., S. of Berry St. - Approve with conditions

FINAL PLATS

18. 98S-129U-10 Baldwin Arbor, First Revision, N. of Hobbs Rd. - Approve with conditions

PLANNED UNIT DEVELOPMENTS (revisions)

20. 60-86-P-14 Northlake Village Exxon, NW of Andrew Jackson Pkwy. & Old Hickory Blvd. - Approve with conditions
21. 71-86-P-14 Stewartwood Annex Commercial PUD, N. of Stewarts Ferry Pk., 800' E. of McCrory Ln. - Approve with conditions
22. 2000P-003G-06 Riverwalk Townhomes, E. of Newsom Station Rd., N. of I-40 - Approve with conditions

MANDATORY REFERRALS

23. 2004M-005U-02 Acquisition of Property on Brick Church Lane - Approve
24. 2004M-006G-03 Property Acquisition on Dry Fork Road - Approve
25. 2004M-007U-10 Disposition of surplus property on Woodmont Boulevard - Approve
26. 2004M-008U-09 Awning Encroachment at 322 Broadway – Approve
28. 98-73-G-02 Hickory Hills Commercial

Ms. Cummings arrived at 4:18 p.m.

Ms. Nielson moved, and Mr. McLean seconded the motion, which passed unanimously to approve the Consent Agenda. (10-0)

VII. PUBLIC HEARING: A request to amend The Bordeaux – Whites Creek Community Plan: 2003 Update for Clarksville Pike Detailed Neighborhood Design Plans

Staff Recommendation - Approve

REQUESTS

1. Endorse the overall Clarksville Pike Corridor Study.
2. Adopt Detailed Neighborhood Design Plans for four neighborhoods located along Clarksville Pike and add them to The Bordeaux – Whites Creek Community Plan – 2003 Update.
3. Amend the Structure Plan in The Bordeaux – Whites Creek Community Plan – 2003 Update.

Clarksville Pike Corridor Study - The MPC adopted The Bordeaux – Whites Creek Community Plan – 2003 Update on September 25, 2003.

The plan update states that, “People within Briley Parkway in the Bordeaux – Whites Creek community want well-designed neighborhoods that provide a variety of housing options and increased population needed to attract the new commercial development and services they want.” The update also refers to the development of a corridor design plan for Clarksville Pike that will identify the best locations for improvements as well as particular locations for commercial and housing development. Planning Department staff worked with the community to develop the proposed corridor study that works to achieve the goals of the community. The Clarksville Pike Corridor Study is significant because it outlines the process for developing the four Detailed Neighborhood Design Plans for the area.

Develop an Understanding...The first step in creating a plan is to develop an understanding of the area to be studied. The Design Studio staff within the Planning Department developed a better understanding of the corridor by researching the history of the area and the corridor and by gathering statistical information about the area. The staff further developed an understanding of the area by taking an inventory of the existing properties within the study area and the systems that support them. They analyzed the information by determining whether or not the distribution and location of land uses actually achieved a variety with high quality residential, entertainment, and shopping uses as envisioned by the community.

It is vital to hear from the people who live and work in the area to acquire a true understanding. On June 23rd the staff held a meeting at the Hyde’s Ferry YMCA to receive additional information from the community regarding the corridor’s ecology and habitat, streets and circulation system, transit system, land use, parking, and building size and placement. Participants recorded their ideas and comments on aerial photographs of the corridor. The staff used this information to develop a vision statement with goals and objectives and to develop conceptual land use plans for the study area.

Explore Alternatives...Conceptual land use plans focusing on the development of “walkable centers” along Clarksville Pike with uses that cater to the surrounding neighborhoods were explored. Four conceptual plans were initially developed for each of the four proposed walkable centers (Buena Vista, Ashland City, Kroger, and Kings Lane). The plans attempted to achieve the community’s goals of concentrating commercial development at key intersections and buffering established residential areas from commercial uses.

On August 4th the staff held a meeting at the Bordeaux Library, and presented the vision statement with goals and objectives and the preliminary concept plan to more than 50 property owners, business owners, and public officials. The meeting participants provided comments to the staff, and the staff incorporated those comments into the vision statement with goals and objectives. The staff also used the comments in developing final walkable center concepts.

Design a Solution...The final walkable center concepts are possible development scenarios that will help guide development along the Clarksville Pike corridor. The concepts outline the appropriate location of particular land uses and the proper orientation of buildings associated with those uses. The concepts also provide recommendations for street connectivity, streetscape enhancement, and for parking and access.

On November 20th the staff held a meeting at the Bordeaux Library to present a draft plan containing the final vision statement with goals and objectives and the final walkable center concepts. The meeting participants provided comments on the plan that were incorporated into the final draft.

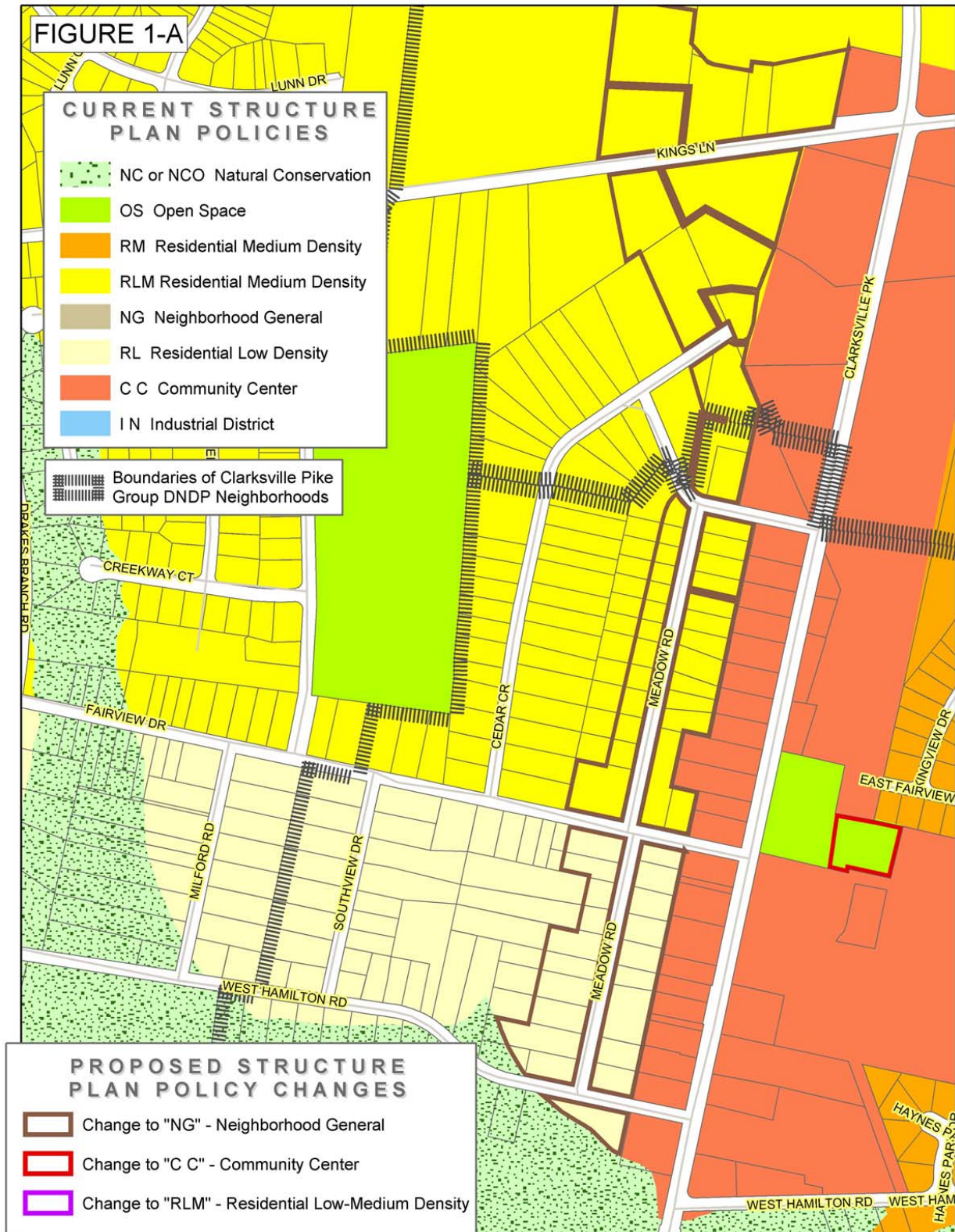
Detailed Neighborhood Design - The Bordeaux – Whites Creek Community Plan – 2003 Plans Update states that [when adopted] Detailed Neighborhood Design Plans are intended to be the primary guide for land use.

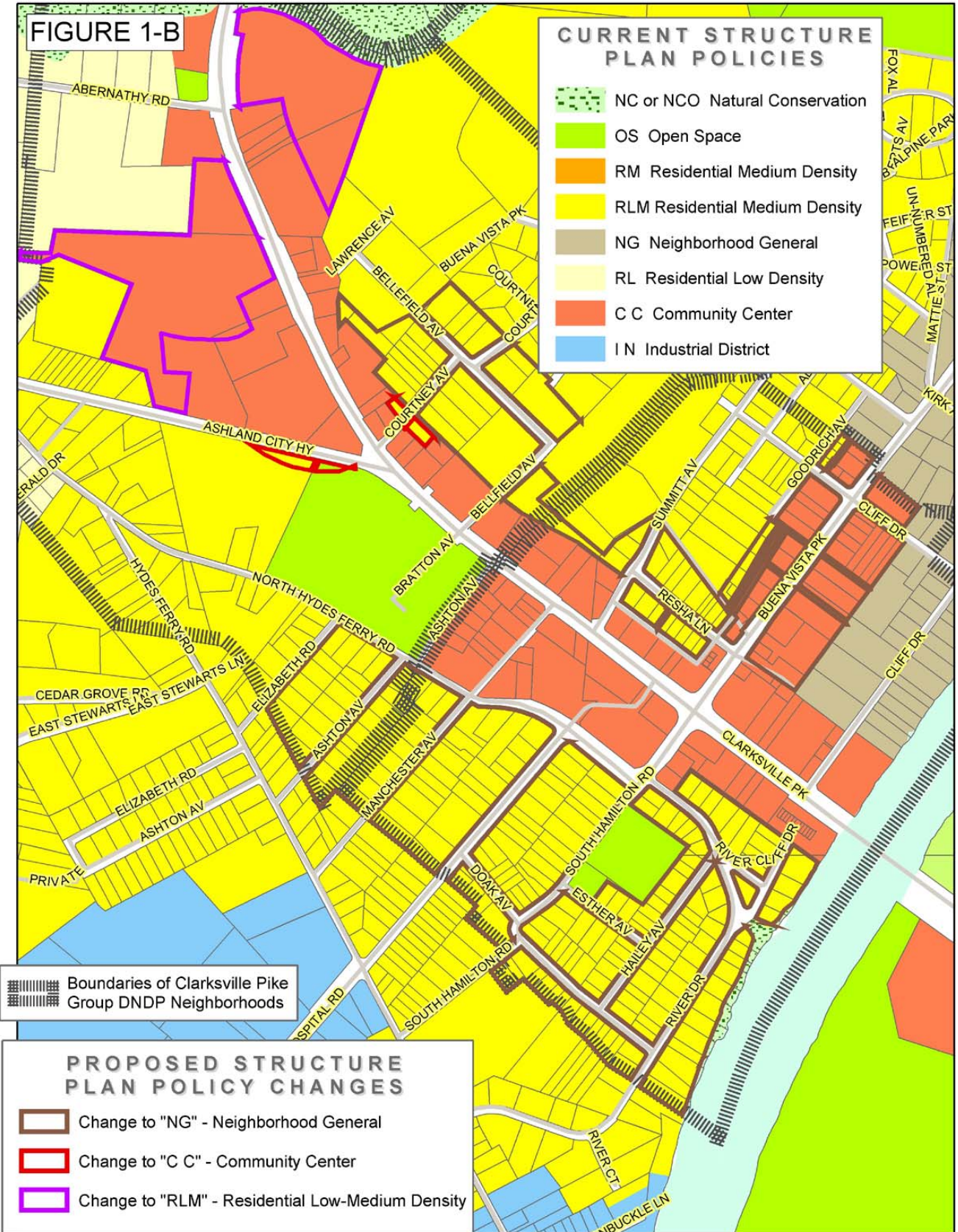
Four Detailed Neighborhood Design Plans have been completed that will act as supplements to The Bordeaux – Whites Creek Community Plan – 2003 Update. These plans will guide future development by distributing the appropriate land uses within the structure of the neighborhood. The DNDPs include Development Scenario Plans demonstrating the type, orientation, and placement of buildings on individual lots. The DNDPs also include Detailed Land Use Plans for each individual neighborhood illustrating the detailed land use categories for parcels as well as existing and proposed features that affect those land uses. Additionally, each DNDP contains suggestions and recommendations for improving vehicular and pedestrian circulation and provides the opportunity for a variety of housing options, open space, public benefit uses, and new commercial development and services desired by the community, all within an easily walkable area.

Structure Plan Amendment - The development of Detailed Neighborhood Design Plans typically leads to Structure Plan changes. A great deal of analysis and scrutiny is put into developing DNDPs for defined areas within

the overall plan. The proposed changes are detailed in Part 1 of the accompanying document entitled: Amendment #1 to The Bordeaux – Whites Creek Community Plan – 2003 Update.

Attachment A to Resolution _____ Amendment #1 to the Bordeaux/Whites Creek Community Plan - 2003 Update





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

Ms. Eileen Corbet, a resident of Cliff Drive, spoke favorably of the proposed Community Plan.

Mr. John Ford, 3718 Kings Lane, expressed concerns regarding his being notified of the proposal and he requested that the Commission reserve their action so he could voice his opinion on the project.

Mr. Daniel Lane, 3912 Drakes Branch Road, spoke in favor the proposed plan, but he expressed concerns regarding the green space included in the proposal and the possibility of safety issues associated with it.

Mr. Willie Myers, 3903 Brush Hill Road, expressed concerns regarding the green space included with the proposal and requested that this space be utilized differently.

Ms. Betty Thomas, 3712 Kings Lane, expressed concerns regarding various issues associated with the proposal such as feeder roads, the project density and the infrastructure of the area.

Ms. Thomila Nethery, 3720 Kings Lane, expressed her concerns regarding the multi-family development included in the proposal and stated that she was not properly notified of the proposal.

Mr. Chris Utley, 511 Emerald Court, expressed concerns regarding the proposal and stated that certain roads need to be widened to accommodate the additional traffic.

Councilmember Gilmore spoke favorably of the 2003 Update for Clarksville Pike Detailed Neighborhood Design Plans. She stated that she has been involved in numerous meetings regarding the project where the outcome has been favorable. She stated that this proposal includes various amenities that will enhance the quality of life of those who live within this community.

Mr. Gordon Ellithorpe, 4004 Cedar Circle, expressed his concerns regarding the process used to notify the community of this proposal. He stated he did not receive notification.

A resident of 4010 Cedar Circle also expressed concerns regarding the notification process.

Mr. Jones stated that the Planning Department sent notices to over 750 residents of the area. He stated that the address list that was used by the Planning Department was the same address list that is utilized by the tax assessor's office for this area.

Mr. Sweat expressed concerns regarding the utilization of the green space included in the proposal and asked for clarification on the current zoning of this area.

Mr. Tyler expressed concerns regarding the traffic issues associated with this proposal.

Ms. Cummings clarified with staff that this proposal was just conceptual at this time, and its approval would not include rezoning of parcels.

Mr. Clifton expressed concerns regarding the notification of the residents affected by the proposal.

Mr. Lawson requested clarification of the commercial zoning that was included in this plan.

Mr. Small requested clarification on traffic issues.

Ms. Jones spoke in support of the proposal but did express concerns regarding the notification issues.

Councilmember Loring spoke in support of the proposal.

Mr. Small moved, and Ms. Nielson seconded the motion, which passed unanimously to approve the request to amend The Bordeaux – Whites Creek Community Plan: 2003 Update for Clarksville Pike Detailed Neighborhood Design Plans **(10-0)**

Resolution No. 2004 –031

“BE IT RESOLVED by the Metropolitan Planning Commission that the request to amend The Bordeaux – Whites Creek Community Plan: 2003 Update for Clarksville Pike Detailed Neighborhood Design Plans is **APPROVED. (10-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

ZONING MAP AMENDMENTS

- 1. **2003Z-032G-14**
Map 86, Parcels 254, 255 and 256
Subarea 14 (1996)
District 11 (Brown)

A request to change from R10 district to CL district properties at 305, 309, and 315 Old Lebanon Dirt Road, at the intersection of Old Lebanon Dirt Road and Old Hickory Boulevard, (4.25 acres), requested by Jeff Browning of Mid-South Land Associates, applicant, for Shirley B. and Thomas J. Mitchell, Josephine S. Baltz, and Ruth B. Randolph, owners. (Deferred from meeting of January 8, 2004).

Staff Recommendation - *Disapprove*

APPLICANT REQUEST - Rezone 4.25 acres from residential (R10) to commercial limited (CL) at 305, 309, 315 Old Lebanon Dirt Road.

Existing Zoning

R10 zoning - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

CL zoning - 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 - Yes. The proposed CL district is inconsistent with the Subarea 14 Plan’s CAE policy. The intent of the CAE policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into nodal patterns. The proposed zoning district would expand commercial uses onto a residential and substandard road. If approved, Old Lebanon Dirt Road should be improved at the final development stage.

RECENT REZONINGS - None.

TRAFFIC - Based on typical uses in CL districts this proposed zoning would generate approximately 1,728 to 5,539 vehicle trips per day (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 R10 to CL

<u>Current Zoning</u>	R10, (Code 210)	
	AM trips = 24	PM trips = 25
<u>Proposed Zoning</u>	CL, (Code 832)	
	AM trips = 1029	PM trips = 1206

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

The following conditions will be required for approval of this rezoning and development.

- 1. Install a 12' eastbound left turn lane with 75' storage and 75' AASHTO transition on Old Lebanon Dirt Rd at the site driveway.

2. Install a 12' westbound lane with 125' storage and AASHTO transition on Old Lebanon Dirt Rd at OHB.
3. Remove vegetation and stone wall on property frontage to provide adequate sight distance along Old Lebanon Dirt Rd property frontage.
4. Analyze signal cycle length and phases to improve the LOS on all approaches to a minimum LOS D at Juarez and OHB intersection.
5. Install signal at Old Lebanon Dirt Rd and OHB based on satisfaction of peak hour warrant and 4hour warrant, if approved by Metro traffic engineer. Conduct traffic counts and signal analysis at project completion and submit analysis of warrants and coordination with signal at Juarez and OHB.

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

Mr. Jeff Browning, 2605 Elm Hill Pike, Developer, spoke in favor of the proposal. He presented a letter to the commission that included favorable endorsements from the property owners surrounding this development.

Ms. Shirley Mitchell, spoke in favor of the proposal.

Mr. Small requested clarification on the current zoning of the surrounding parcels of this proposal.

Councilmember Loring supported the proposal and stated that the requested rezoning is appropriate for the area.

Ms. Jones commented on the commercial zoning adjacent to this proposal that was disapproved by the Commission due to policy, but approved by Council.

Mr. Lawson expressed concerns regarding the commercial zoning approved by Council and disapproved by the Commission and its relation to the general policy of the area.

Ms. Nielson expressed also commented on the existing zoning in the area and its relation to this proposal.

Mr. McLean expressed concerns regarding the traffic for the area.

Mr. Clifton clarified that the area may be inconsistent with the subarea plan, but due to the Council, this proposal may be difficult to disapprove because it is contrary to policy.

Mr. Bernhardt explained that the proposed CL district is inconsistent with the Subarea Plan's CAE policy. The intent of the CAE policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into nodal patterns. The proposed zoning district would expand commercial uses onto a residential and substandard road. If the Commission were to approve, then a condition should be added that the cross access be provided to the neighboring PUD and that any Public Works conditions be instituted for Old Lebanon Dirt Road.

Mr. Sweat stated that due to the Council action and the fact that the surrounding parcels do not disapprove this zone change, he would be in support of approving this proposal.

Mr. Mclean moved and Mr. Sweat seconded the motion, which passed unanimously to approve Zone Change No. 2003Z-032G-14 with the condition of cross access be provided to the neighboring PUD and that updates required by the Public Works Department for Old Lebanon Dirt Road. (10-0)

Resolution No. 2004 –031

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-032G-14 is **APPROVED WITH CONDITIONS that cross-access be provided to neighboring PUD and that applicant comply with any Public Works conditions for Old Lebanon Dirt Road. (10-0)**

Conditions of Approval:

1. Install a 12' eastbound left turn lane with 75' storage and 75' AASHTO transition on Old Lebanon Dirt Rd at the site driveway.

2. Install a 12' westbound lane with 125' storage and AASHTO transition on Old Lebanon Dirt Rd at OHB.
3. Remove vegetation and stone wall on property frontage to provide adequate sight distance along Old Lebanon Dirt Rd property frontage.
4. Analyze signal cycle length and phases to improve the LOS on all approaches to a minimum LOS D at Juarez and OHB intersection.
5. Install signal at Old Lebanon Dirt Rd and OHB based on satisfaction of peak hour warrant and 4hour warrant, if approved by Metro traffic engineer. Conduct traffic counts and signal analysis at project completion and submit analysis of warrants and coordination with signal at Juarez and OHB.

The proposed CL district is consistent with the commercial uses along Old Hickory Boulevard. These parcels would not develop as single-family residential in the future due to the potential for commercial development along Old Hickory Boulevard with the commercial zoning across the street from this site. Cross access should be provided from the commercial Planned Unit Development to the north and should follow Public Works conditions.”

2. **2003Z-141U-07**
Map 91-09, Part of Parcel 22
Subarea 7 (2000)
District 20 (Walls)

A request to change from IR district to R8 district a portion of property located at 618 Vernon Avenue, approximately 140 feet south of Nashua Avenue (0.26 acres), requested by Franklin Mitchell, applicant, for West Nashville Full Gospel Outreach, owner. (Deferred from meeting of December 11, 2003).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 0.26 acres from industrial restrictive (IR) to residential (R8) district a portion of property at 618 Vernon Avenue, approximately 140 feet south of Nashua Avenue.

Existing Zoning

IR district - Industrial Restrictive is intended for a wide range of intensive manufacturing and warehousing uses.

Proposed Zoning

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

SUBAREA 7 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, townhomes, and walk-up apartments.

Policy Conflict - No. The proposed zoning district (R8) is consistent with the policy for the area. The intent of the Subarea 7 plan for this area is to reclaim it for residential use with the recent residential investment in the area. “To implement the RM policy, rezoning the underutilized industrially zoned areas for residential use is necessary and is recommended” (Subarea 7, Area 5D, p.33-34).

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for residential (R8), this proposal will generate approximately 14 vehicular trips per day. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations - “No exception taken.”

SCHOOLS <1 Elementary <1 Middle <1 High

Schools Over/Under Capacity - Students would attend Cockrill Elementary, Bass Middle School and Pearl-Cohn High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

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

Ms. Milina Cramb, 6121 Jocelyn Hollow Road, distributed maps to the Commission and spoke in opposition to the proposal.

Mr. Franklin Mitchell, owner, spoke in favor of the proposal.

Ms. Nielson asked for clarification regarding the parking lot that was included in the proposal and the restrictions on the lot.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to approve Zone Change No. 2003Z-141U-07 **(10-0)**

Resolution No. 2004 –032

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2003Z-141U-07 is **APPROVED. (10-0)**

The proposed R8 district is consistent with the Subarea 7 Plan’s Residential Medium (RM) policy, which is intended for residential development within a density range of four to nine dwelling units per acre. This R8 district is also consistent with the existing zoning pattern for this area.”

PRELIMINARY SUBDIVISION PLATS

- 3. 2004S-014G-06**
Collins Crest
Map 155, Parcels 92.02 and 244
Subarea 6 (2003)
District 35 (Tygard)

A request for preliminary approval of 17 lots located on the northwest corner of Collins Road and Collinswood Drive, (4.7 acres), located with in the RS10 district, requested by French River Development Company, LLC, owner, and Joseph G. Petrosky Associates, LLC, engineer. (Deferred from meeting of January 8, 2004).

Staff Recommendation - Approve with conditions, including the construction of sidewalks along Collins Road.

APPLICANT REQUEST - Preliminary Plat Subdivide 4.7 acres into 17 single-family lots, along the north side of Collins Road, west of Old Harding Pike.

Existing Zoning

RS10 district - RS10 district requires a minimum lot size of 10,000 square feet and a maximum density of 3.7 dwelling units per acre. The zoning on this property allows a maximum of 17 single-family lots.

Zoning History - This property was rezoned to RS10 in October of 2002 (Council Bill BL2002-1144). The Planning Commission recommended approval.

Cluster Lot Option -The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification or RS10 (minimum 10,000 sq. ft. lots) to RS5 (minimum 5,000 sq. ft. lots). The proposed lots range in size from 7,500 square feet to 9,400 square feet.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. This plan complies with this requirement by including a total of 0.70 acres (15%) of open space.

SUBDIVISION DETAILS

Access - Access is proposed from Collins Road, which is a collector road on the Major Street Plan. The applicant has indicated that access is not possible from Collinswood Drive since there is a small strip of open space that is part of the Poplar Creek Estates subdivision to the north. The applicant has also indicated that the Poplar Creek Homeowner's Association will not allow a road through this open space area.

Double-Frontage Lots - The Subdivision Regulations discourage double-frontage lots, except along collector roads to minimize direct access points on the collector road. The Zoning Ordinance requires lots facing two streets to provide a buffer at the rear of the lots to buffer the back of the homes from the street. A 20-foot wide "C" landscape buffer is provided between Collins Road and the proposed double-frontage lots, as per the Zoning Ordinance requirements.

Variance(s)

Sidewalk - The applicant is requesting a sidewalk variance for 655 feet of sidewalk along the frontage of the proposed subdivision on Collins Road.

The applicant's stated reason for the variance is because the surrounding area within a 0.25 mile radius is developed without sidewalks and the installation of a sidewalk would not be contiguous, and because the applicant believes a sidewalk within the Collins Road right-of-way would have to be demolished if Collins Road were ever upgraded to collector standards.

Street offset - The plan provides a 215 foot offset between the new cul-de-sac and Collinswood Drive. Although the Subdivision Regulations require a 300-foot separation for offset T-intersections, there is no minimum separation requirement for roads on the same side of the street.

Public Works Recommendation - "Collins Road is effectively a one-lane road, and currently has 12 feet of pavement. The requirement to include sidewalks in this subdivision will necessitate widening Collins Road to meet the minimum standards of ST-251, with 23 feet of pavement, and a curb & gutter section on the developer's side of Collins Road. If Collins Road is to be developed into a collector road, then the ST-253 section should be used. Half of the required pavement should be done on the developer's side of Collins Road."

Considering that this is a relatively small development (17 lots) with approximately 750 feet of road frontage, there is no obvious path concerning the amount of improvements justified by this development.

[Public Works] would recommend the following:

1. Dedicate 30 feet of right-of-way from the centerline as allowed by our regulations. This is consistent with the rest of Collins Road.
2. Add sufficient pavement with taper (approximately one eleven-foot lane on the Collins Crest side) on Collins Road to meet the minimum 23-ft pavement width of ST-251. If Collins Road is to be widened in the future to a collector road, then the future widening should be on the opposite side from Collins Crest.
3. Add ST-200 curb & gutter to the side of the new pavement with ST-210 sidewalk.
4. Public Works' approval of this plat is subject to review and approval of construction plans for this project.
5. The median on Collins Crest Court must not exceed 75 feet in length from Collins Road, or the 90 degree curve should meet the 110 foot required turning radius from the Subdivision Regulations.

CONDITIONS - Approve subject to a revised plan including sidewalks along Collins Road, and addressing Public Works recommendations above.

Although this road is designated as a collector street on the Major Street Plan, there is insufficient right-of-way on the opposite side of the street to build this as an ST-253 (collector) that is in alignment. Therefore, it should be upgraded on the development side to the ST-251 standard, as per Public Works recommendation. This will allow these improvements to be made in the proper location without the need to tear out improvements at a later date when the right-of-way on the opposite side of the street is acquired.

Mr. Leeman presented and stated that staff is recommending approval with conditions which include the construction of sidewalks along Collins Road

Mr. Shawn Henry, legal counsel for the developer, requested that the Commission approve the proposal to include the sidewalk variance. He stated that there was no justification for the sidewalks along Collins Road and if this road were to become a collector street, any sidewalks installed at this time would have to be removed in order to widen this road.

Mr. Joe Petrosky, consulting engineer, spoke in favor of the proposal but requested the sidewalk variance.

Mr. Hunter McDonald, owner, spoke in favor of the proposal with the request of the sidewalk variance. He stated that the installation of sidewalks along Collins Road is an unnecessary financial burden placed on this project.

Ms. Nielson asked for clarification on the utilization of Collins Road.

Ms. Cummings asked Public Works to respond to the issues of Collins Road with respect to it being a dead end road, the future uses for the road, traffic counts and the speed limits and the request for the variance.

Mr. Clifton asked for clarification regarding Collins Road and the use of this road being a collector street and its relation to the widening of this road.

Mr. McLean requested clarification on building a collector road and whether cuts and fills would be included in the process of building a two to three lane road.

Ms. Nielson stated that she could support the sidewalk request for two or three lots along Collins Road, but without knowing the future of this street, she was not in favor of supporting sidewalks for the entire length of the road.

Mr. Small requested clarification on the existing zoning of Collins Road as it approaches the dead end and the possibilities of connectivity of this road. Mr. Small stated that he has concerns regarding the sidewalk variance and the fact that this is the beginning of residential development for this area and that sidewalks may be necessary.

Ms. Jones expressed concerns regarding the future of this area and the sidewalk variance.

Councilmember Loring stated he supports the applicant's request and that installing sidewalks at this time could be a waste of money.

Mr. McLean moved, and Ms. Cummings seconded the motion to approve Preliminary Subdivision Plat No. 2004S-014G-06 with a modification that the Collins Road improvements – with sidewalk, curb and gutter be installed 50 feet west of the subdivision entrance. (9-1) No vote – Small

Resolution No. 2004 –033

“BE IT RESOLVED by the Metropolitan Planning Commission that 2004S-014G-06 is APPROVED with a modification that the Collins Road improvements, with sidewalk, curb and gutter, be installed only to a point 50-feet west of subdivision entrance. (9-1)

Conditions:

1. Dedicate 30 feet of right-of-way from the centerline as allowed by our regulations. This is consistent with the rest of Collins Road.
2. Add sufficient pavement with taper (approximately one eleven-foot lane on the Collins Crest side) on Collins Road to meet the minimum 23-ft pavement width of ST-251. If Collins Road is to be widened in the future to a collector road, then the future widening should be on the opposite side from Collins Crest.
3. Add ST-200 curb & gutter to the side of the new pavement with ST-210 sidewalk.
4. Public Works' approval of this plat is subject to review and approval of construction plans for this project.

5. The median on Collins Crest Court must not exceed 75 feet in length from Collins Road, or the 90 degree curve should meet the 110 foot required turning radius from the Subdivision Regulations.”

The Commission recessed at 6:10.

Ms. Cummings left the meeting at 6:20.

The Commission resumed business at 6:25.

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4. **2004S-021U-13**
Mark Marshall One
Map 149, Parcels 74, 75, 76 and Part of Parcel 78, Map 149-03, Parcels 61, 62, 63, 66, 67, 68, 69,
122, 145, 146 and 147
Subarea 13 (2003)
District 29 (Wilhoite)

A request for preliminary approval of 16 lots located on the east margin of Murfreesboro Pike, south of Edge-O-Lake Drive, (7.62 acres), located in the MUL, RS3.75, R8 and R10 districts, requested by Murfreesboro Edge-O-Lake Development, LLC, owner/developer, and Batson and Associates, Inc., engineer. (Deferred from meeting of January 8, 2004).

The Metropolitan Planning Commission voted unanimously to DEFER Preliminary Subdivision Plat No. 20042-021U-13 to February 12, 2004. (9-0)

**IX. PUBLIC HEARING:
ZONING MAP AMENDMENTS**

5. **2004Z-010U-13**
Map 149, Parcels 178, 226 and 348
Map 162, Parcels 24, 187 and 249
Subarea 13 (2003)
District 28 (Alexander)

A request to change from RS7.5 district to RM6 (25.86 acres) and MUL (1.61 acres) districts properties at Chadfield Way (unnumbered), Una-Antioch Pike (unnumbered), and Bowfield Drive (unnumbered), (27.47 total acres), requested by CPS Land, LLC for Christian Education, Inc., owner. (See PUD Proposal No. 2004P-004U-13 below).

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone approximately 25.79 acres from residential (RS7.5) to residential (RM6) and approximately 1.61 acres to commercial (MUL) districts, for a total of 27.4 acres, property adjacent to the north side of Una Antioch Pike and south of Reeves Road.

Existing Zoning

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

Proposed Zoning

RM6 district - RM6 is intended for single-family, duplex and multi-family dwellings at a density of 6 dwelling units per acre.

Proposed Zoning

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

ANTIOCH-PRIEST LAKE PLAN POLICY

Neighborhood General (NG) - Neighborhood General is a Structure Plan classification for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located. For example, medium density housing, such as townhouses, might be situated at the edge of the NG area between busy mixed-use buildings in a Corridor Center area and lower density housing in the Neighborhood General area. Townhouses might also be located on busy streets that connect a

Neighborhood Center area to a Corridor Center area to provide transition from a busy street to lower intensity housing within the neighborhood. A random development pattern is inappropriate in NC areas. The specific arrangement and interrelationship of activities by type intended within NC areas should be carefully articulated in detailed design plans prepared for these areas. Although a detailed design plan was not completed for this area of NG and NC, the proposed PUD will control development in this area by having the Council-approved PUD plan of townhomes and mixed-use commercial.

Neighborhood Center (NC) - Neighborhood Center is the Structure Plan classification for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. A NC area may consist of no more than a single-use or mixed-use "neighborhood-scale commercial" development on one corner of an important intersection within the neighborhood. Examples might include a barbershop or a mixed-use building with a small grocery store on the ground level and an office and/or apartment above. Or, it could be an area partially or completely surrounding and focused on a small open space area. Residential development in these areas generally consists of a mix of medium to high density single and multi-family housing. The provision of higher density housing in a Neighborhood Center area allows for more "eyes on the street" to protect the activity center (street intersection or public space) it surrounds.

Policy Conflict - No. The proposed zoning districts and the design plan contained in the associated Planned Unit Development (2004P-004U-13) are consistent with the NG and NC policies as called for in the Antioch / Priest Lake Community Plan. This site is located at the edge of the Neighborhood General and encompasses a portion of the Neighborhood Center. As called out in the NG policy, medium to higher density residential is appropriate in areas of NG that are adjacent to commercial nodes or centers of commercial activity. The requested density of 6 units per acre falls within a medium density range. The proposed multi-family development that is part of the associated PUD proposes six units per acre and approximately 1.6 acres of commercial on either side of the proposed entrance to the development. The proposed commercial uses fall within the existing Neighborhood Center policy that has been placed over the intersection of Una Antioch Pike and Hickory Hollow Parkway.

RECENT REZONINGS - No

TRAFFIC - Based on the trip generation numbers for RM6, this proposal will generate approximately 906 daily trips. Based on the trip generation numbers for MUL, this proposal will generate a range of approximately 772 trips to 1,834 trips on a weekday. This range is based on General Office uses up to a sit-down fast-food restaurant. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Public Works' Recommendations - Request zone change from RS7.5 to RM6 and MUL

"We received a revised preliminary [PUD] site plan on Jan 13, 2004 at 4:30 pm. Traffic determined on Jan 14, 2004 that the previously faxed TIS supplement addressing the revised street connectivity did not analyze the potential trips generated by the MUL development now being shown on the revised site plan dated 1/12/04.

The traffic consultant was unaware of the land use change for this [PUD] plan.

We are not able to continue our review of this rezoning and [PUD] development without an adequate TIS. The additional MUL zoning has the potential for tripling the previous number of site generated trips. The [PUD] plan does not identify the specific land use and it's parking requirement for the MUL zoning.

A review of a new TIS identifying the necessary road mitigations is necessary before traffic can prepare a list of conditions for approval of this development.

We recommend deferral from the Jan 22, 2004 MPC agenda."

SCHOOLS 13 Elementary 9 Middle 7 High

Schools Over / Under Capacity - Students would attend J.E. Moss Elementary, Apollo Middle, 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 May 5, 2003.

Resolution No. 2004 –034

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-010U-13 is **APPROVED. (9-0)**

The proposed RM6 and MUL districts are consistent with the Antioch-Priest Lake Community Plan’s Neighborhood General (NG) and Neighborhood Center (NC) policies. Neighborhood General is intended for a variety housing types carefully arranged and not randomly located. The RM6 district allows for multi-family development with a maximum density of six dwelling units per acre and falls within a medium density range, which is appropriate in areas of NG that are adjacent to commercial nodes or centers of commercial activity. The Neighborhood Center policy is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. The MUL district allows for commercial uses that fall within the NC policy that is at the intersection of Una Antioch Pike and Hickory Hollow Parkway.”

- 6. 2004P-004U-13**
Carrollton Station
Map 149, Parcels 178, 226 and 348
Map 162, Parcels 24, 187 and 249
Subarea 13 (2003)
District 28 (Alexander)

A request for preliminary approval for a Planned Unit Development located abutting the north margin of Una-Antioch Pike, opposite Hickory Hollow Parkway, classified RS7.5 and proposed for RM6 and MUL, (27.4 acres), to permit the development of 139 townhomes, 16 single-family lots, and 14,000 square feet of commercial uses, requested by Civil Site Design Group for Christian Education, Inc., owner. (See Zone Change Proposal No. 2004Z-010U-13 above).

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary PUD - Request to adopt a new Preliminary Planned Unit Development, to be called Carrollton Station PUD, to allow for the development of 16 single-family lots, 139 townhouses and two lots with approximately 14,000 total square feet of commercial development on approximately 27.4 acres. The PUD property is located along the north side of Una Antioch Pike, south of Reeves Road.

PLAN DETAILS

Site Design: The proposed plan calls for the development of 16 single-family lots along the eastern portion of the property and 139 townhomes. The portion of the site along Una Antioch Pike includes two parcels proposed for MUL zoning with approximately 14,000 total square feet of commercial uses. All single-family lots will be located along the future roadway connection between Bowfield Drive and Chadfield Way, and within the future cul-de-sac extension off of Bowfield Drive. Staff worked with the applicant to design the townhouse portion into a walkable, more aesthetically pleasing development, with three large areas of usable open space that are centrally located within the site. These three usable open space areas help to create three “pods” of townhouse development. The majority of the buildings face onto one of these three recreational areas.

Environmentally Sensitive Areas: Pursuant to the Metro Code PUD regulations, “If encompassing environmentally sensitive areas as defined by Chapter 17.28, approval of a PUD master development plan shall be based upon a finding that the proposed development plan will result in greater protection and preservation of those areas than otherwise would result from development at the minimum protection standards of Chapter 17.28. Areas to be protected shall include undisturbed hillsides of twenty percent or greater slopes, non-manipulated floodway and floodplain areas, problem soils, streams, creeks and major drains, designated wetlands, and areas containing protected Cedar Glade plant species.” The entire site is encompassed by hillsides. “Fingers” of hillside that exceed 15% slope zigzag through the site in a random pattern. Although some encroachment into the +15% hillside was inevitable, staff was most concerned about the hillsides and heavily vegetated areas directly adjacent to the existing housing stock along Reeves Road. The applicant successfully pulled all development off of that large area of +15%

hillside areas. Staff recommends as a condition of approval that the applicant submit a Tree Preservation / Removal and Grading Boundary Plan (24x36) prior to, or in conjunction with, the submittal of the Final PUD application.

Access & Connectivity: Access to the site is being provided off Una Antioch Pike. The actual entrance to the townhouse site will be located along the new public road that provides for a future connection between Una Antioch Pike and Payne Road. Connection to the single-family areas through the townhouse portion is not being provided, which staff supports. The potential for a connection to the western undeveloped parcels exists since that area could also develop as additional multi-family.

Additional connectivity is being provided between Bowfield Drive and Chadfield Way where a circular connection is proposed to connect the two parallel streets. Pursuant to the Coordinated Vehicular Access requirements of the PUD regulations, it is inappropriate to remove the connection between Chadfield and Bowfield.

METRO PUBLIC WORKS' COMMENTS - A TIS was submitted to the Metro Public Works Department for review. Please see comments as part of the associated zone change.

CONDITIONS

1. If the roadway connection proposed between Chadfield Way and Bowfield Drive be removed, staff's recommendation shall change from conditional approval to disapproval.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. The applicant shall take all practical measures to protect all preserved trees and preserved hillside areas during construction. All trees proposed for preservation must be appropriately barricaded, must be kept free from debris and fill.
4. The three internal open space areas shall be planted / landscaped in a way that provides passive or active recreational areas for the residents of the townhouse community. These open space areas shall not be used for any part of the stormwater management system.
5. The perimeter of all stormwater detention areas shall be planted above and beyond the minimum Code requirement for landscaping amounts so as to limit access, as well as for aesthetic purposes.
6. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
7. The proposed sidewalk / path leading from the townhouse development to the two MUL parcels shall be lighted so as to provide safe pedestrian access to these areas at night.
8. If final PUD approval is not requested for the entire PUD, a timetable for development and phasing plan shall be submitted with the first request for final PUD approval. The timetable for development shall propose build-out timetable for each phase and the approximate month and year that each request for final PUD approval would be submitted to the Planning Commission. Should this timetable for development ever need to be amended, it will only be amended as part of a request for final PUD approval before the Planning Commission.
9. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –035

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2004P-004U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. If the roadway connection proposed between Chadfield Way and Bowfield Drive be removed, staff's recommendation shall change from conditional approval to disapproval.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. The applicant shall take all practical measures to protect all preserved trees and preserved hillside areas during construction. All trees proposed for preservation must be appropriately barricaded, must be kept free from debris and fill.
4. The three internal open space areas shall be planted / landscaped in a way that provides passive or active recreational areas for the residents of the townhouse community. These open space areas shall not be used for any part of the stormwater management system.
5. The perimeter of all stormwater detention areas shall be planted above and beyond the minimum Code requirement for landscaping amounts so as to limit access, as well as for aesthetic purposes.
6. All trash receptacles and dumpsters shall be located in inconspicuous areas of the development, but shall still be easily accessible to sanitation services.
7. The proposed sidewalk / path leading from the townhouse development to the two MUL parcels shall be lighted so as to provide safe pedestrian access to these areas at night.
8. If final PUD approval is not requested for the entire PUD, a timetable for development and phasing plan shall be submitted with the first request for final PUD approval. The timetable for development shall propose build-out timetable for each phase and the approximate month and year that each request for final PUD approval would be submitted to the Planning Commission. Should this timetable for development ever need to be amended, it will only be amended as part of a request for final PUD approval before the Planning Commission.
9. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage."

-
7. **2004Z-015U-11**
 Map 105-11, Parcels 222 and 223
 Subarea 11 (1999)
 District 17 (Greer)

A request to change from R6 district to IWD district properties at 431 Wingrove Street, east of Byrum Avenue, (2.03 acres), requested by Reba Bowers and Robert Moore, applicants/owners.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone approximately 2.03 acres from residential (R6) to industrial warehousing and distribution (IWD) district, property located at 431 Wingrove Street, in the southeast corner of Byrum Avenue and Wingrove Street, adjacent to the Fairgrounds.

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

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

SUBAREA 11 PLAN POLICY

Residential Medium (RM)-Residential Medium (RM) is intended to accommodate residential development within a density range of four to nine dwelling units per acre. Industrial uses are not appropriate and are not intended to be located within the RM policy.

Policy Conflict - Yes. The proposed zoning district is in conflict with the RM policy because only residential development is allowed within this policy designation. Industrial zoning should not be expanded into this area.

RECENT REZONINGS - No

TRAFFIC -Based on the trip generation numbers for IWD, this proposal will generate approximately 351 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Public Works' Recommendations – “No Exception Taken”

Current zoning R6, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 12 PM trips = 16

Proposed zoning IWD, Peak Hour Adj. Street Traffic (Code 150)
AM trips = 32 PM trips = 36

Mr. Mitchell presented and stated that staff is recommending disapproval.

Mr. Adriane Day, 2152 Byrum Avenue, spoke in opposition to the proposal due to the generated traffic issues that would be associated with the project.

Ms. Shirley Towns, 613 Hamilton Avenue, spoke in opposition to the proposal due to the topography of the land and the negative impact it would bring to the area.

Mr. Ray Holland, Pastor of the United Methodist Church located in this area, spoke in opposition to the proposal.

Mr. McLean moved and Ms. Nielson seconded the motion, which passed unanimously to disapprove Zone Change No. 2004Z-015U-11. **(9-0)**

Resolution No. 2004 –036

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-015U-11 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (9-0)**

The proposed IWD district is not consistent with the Subarea 11 Plan’s Residential Medium (RM) policy that is intended for residential development within a density range of four to nine dwelling units per acre. Industrial zoning should not expand into this residential area, and is not compatible with the surrounding area.”

- 8. 2004Z-016U-12**
Map 174, Parcel 35
Subarea 12 (1997)
District 32 (Coleman)

A request to change from RS15 district to RM9 district property at 5722 Cane Ridge Road, approximately 225 feet south of Blairfield Drive, (30.60 acres), requested by Joe McConnell, MEC, Inc., applicant, for Cane Ridge Farms, LLC, owner.

The Metropolitan Planning Commission voted unanimously to DEFER INDEFINITELY Zone Change No. 2004Z-016U-12. (9-0)

- 9. 2004Z-017U-13**
Map 149-03, Parcel 68, Part of Parcel 67, Other Part of Parcels 66 and 67
Subarea 13 (2003)
District 29 (Wilhoite)

A request to change from R10 district to MUL (0.36 acres) and R8 (0.41 acres) districts properties located at 2517 Edge-O-Lake Drive, Edge-O-Lake Drive (unnumbered), and 2521 Edge-O-Lake Drive, 0.25 acres), approximately 250 feet east of Murfreesboro Pike, (0.77 acres total), requested by Mark Marshall, applicant/owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 0.36 acres from residential (R10) to mixed use limited (MUL) district property at 2517 Edge-O-Lake and Edge-O-Lake Drive (unnumbered) and rezone 0.41 acres from residential (R10) to residential (R8) at Edge-O-Lake (unnumbered) and 2521 Edge-O-Lake Drive.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.7 dwelling units per acre, or 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

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

ANTIOCH-PRIEST LAKE 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 - The proposed zoning districts are not consistent with the Antioch-Priest Lake Community Plan's RLM policy. MUL and R8 allow for residential development at a higher density than the policy intends. The potential for commercial and/or office uses should not turn the corner into a predominantly residential neighborhood and street. The R8 zoning district also is not consistent with the established zoning pattern (R10) along Edge-O-Lake Drive.

RECENT REZONINGS - Parcel 069 was approved for MUL at the December 11, 2003, Planning Commission meeting. Parcel 079 was also approved for MUL and RS3.75 by the Commission on December 11, 2003. Neither of these rezonings have been finally approved by the Council as of January 16, 2004. The zoning bill is on the Council's agenda for third and final reading on January 20, 2004.

TRAFFIC - Based on the trip generation numbers for mixed use limited (MUL), this proposal is expected to generate approximately 52 to 638 daily vehicular trips ranging from townhomes to specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Based on the trip generation numbers for residential (R8), this proposal is expected to generate approximately 21 daily vehicular trips. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning R10, Peak Adj. Street Traffic (Code 210, Single Family Detached Housing)
AM trips = 11 PM trips = 4

Proposed Zoning MUL, Peak Adj. Street Traffic (Code 834, Fast Food with Drive-Thru)
AM trips = 977 PM trips = 657
If (code 710, General Office)
AM trips = 31 PM trips = 30

“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.”

SCHOOLS (MUL) 1 Elementary 1 Middle 1 High

SCHOOLS (R8) <1_ Elementary <1_ Middle <1_ High

Schools Over/Under Capacity* - Students would attend Lakeview Elementary, Kennedy Middle School and Antioch High School. Kennedy and Antioch have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Planned School Capital Improvements:

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

[Please note items # 9 and # 10 were heard and discussed before the Commission together. See Item #10 for final Commission action.]

- 10. 2004Z-018U-13**
Map 149, Part of Parcel 78
Subarea 13 (2003)
District 29 (Wilhoite)

A request to change from RS3.75 district to MUL district a portion of property located at 2526 Murfreesboro Pike, approximately 735 feet south of Edge-O-Lake Drive, (0.67 acres), requested by Mark Marshall, applicant, for L. O. Crowder, owner.

Staff Recommendation - Disapprove

APPLICANT REQUEST - Rezone 0.67 acres from residential single-family (RS3.75) to mixed use limited (MUL) district at a portion of property at 2526 Murfreesboro Pike.

Existing Zoning

RS3.75 district - RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

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

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

Policy Conflict - The proposed zoning district is not consistent with the Antioch-Priest Lake Community Plan's RMH policy. MUL allows for commercial and office uses, which is not the intent of the RMH policy. It would also extend commercial uses into an existing residential neighborhood at Lakevilla Drive and Willowbranch Drive.

RECENT REZONINGS - Parcel 069 was approved for MUL at the December 11, 2003, Planning Commission meeting. Parcel 079 was also approved for MUL and RS3.75 by the Commission on December 11, 2003. This rezoning has not been finally approved by the Council as of January 16, 2004. The zoning bill is on the Council's agenda for third and final reading on January 20, 2004.

TRAFFIC - Based on the trip generation numbers for mixed use limited (MUL), this proposal is expected to generate approximately 171 to 1187 daily vehicular trips ranging from townhomes to specialty retail center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning RS3.75, Peak Adj. Street Traffic (Code 210, Single Family Detached Housing)
AM trips = 5 PM trips = 7

Proposed Zoning MUL, Peak Adj. Street Traffic (Code 710, General Office)
AM trips = 44 PM trips = 46

“No Exceptions Taken.”

SCHOOLS (MUL) 2_Elementary 1_Middle 1_High

Schools Over/Under Capacity* - Students would attend Lakeview Elementary, Kennedy Middle School and Antioch High School. Kennedy and Antioch have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated May 2003.

*The numbers for MUL zoning are based upon students that would be generated if the MUL zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,000 sq. ft. of floor area.

Planned School Capital Improvements:

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

Mr. Leeman presented both items and stated that staff is recommending disapproval.

Mr. Ken Wood, owner of three parcels of land in the area, spoke in opposition to the proposal.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to disapprove Zone Change Nos. 2004Z-017U-13 and 2004Z-018U-13 as they are contrary to the General Plan. (9-0)

Resolution No. 2004 –037

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-017U-13 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (9-0)**

The proposed MUL and R8 zoning districts are not consistent with the Antioch-Priest Lake Community Plan’s Residential Low Medium (RLM) policy, which is intended for residential development within a density range of two to four dwelling units per acre. The proposed zoning districts allow for residential development at a higher density than the policy intends. MUL would also allow for commercial and/or office uses that would turn the corner into a predominantly residential neighborhood and street. R8 would also not be consistent with the established zoning pattern (R10) along Edge-O-Lake Drive.”

Resolution No. 2004 –038

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-018U-13 is **DISAPPROVED AS CONTRARY TO THE GENERAL PLAN. (9-0)**

The proposed MUL district is not consistent with the Antioch-Priest Lake Community Plan’s Residential Medium High (RMH) policy calling for nine to twenty dwelling units per acre. MUL allows for commercial and office uses, which is not the intent of the RMH policy. It would also extend commercial uses into an existing residential neighborhood at Lakevilla Drive and Willowbranch Drive.”

- 11. 2004Z-019U-10**
Map 104-11, Parcels 170 and 171

Subarea 10 (1994)
District 18 (Hausser)

A request to change from R8 district to RM20 district property located at Fairfax Avenue (unnumbered), and 2401 Fairfax Avenue at the southwest corner of Fairfax Avenue and 24th Avenue, (0.67 acres), requested by John Hays, The Hamilton Company, LLC, applicant, for Glen A. Ferguson, owner. (See PUD Proposal No. 286-84-U-10 below).

Staff Recommendation - *Disapprove*

APPLICANT REQUEST - Rezone approximately 0.64 acres from residential (R8) to multi-family residential (RM20) district, property located at 2401 Fairfax Avenue, in the southwest corner of Fairfax Avenue and 24th Avenue South.

Existing Zoning

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

Proposed Zoning

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

SUBAREA 10 PLAN POLICY

Residential Medium - Residential Medium (RM) is intended to accommodate residential development within a density range of about four to nine dwelling units per acre. As specifically stated in the Subarea 10 Plan, these areas are fully developed, and the policy is intended to conserve the character of existing neighborhoods and guide revitalization efforts involving land use decisions.

Policy Conflict - Yes. This neighborhood is to retain its existing character. Toward this end, the plan recommends no further expansion of the non-residential and higher density residential development along 21st Avenue South into the RM policy area on 24th Ave., South. The same recommendation holds for the higher density residential development and institutional uses to the north. Staff recognizes that the existing Planned Unit Development plan allows for the development of seven townhomes regardless of a requested zone change; however, staff is not in support of the intensification of the site through either the requested zone change or the requested PUD amendment.

RECENT REZONINGS - No

TRAFFIC - Based on the trip generation numbers for RM20, this proposal will generate approximately 75 daily trips. (Institute of Transportation Engineers, 6th Edition, 1996). Different densities could generate more or less traffic.

Public Works' Recommendations - Request zone change from R8 to RM20

Current zoning R8, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 3 PM trips = 4

Proposed zoning RM20, Peak Hour Adj. Street Traffic (Code 210)
AM trips = 10 PM trips = 14

“No Exception Taken”

[Please note items # 11 and # 12 were heard and discussed before the Commission together. See Item #12 for final Commission action.]

- 12. 286-84-U-10**
Hamilton Park, (formerly Dinwiddie Square)
Map 104-11, Parcels 170 and 171
Subarea 10 (1994)
District 18 (Hausser)

A request for an amendment to an existing undeveloped Planned Unit Development located abutting the southwest margin of Fairfax Avenue and 24th Avenue South, classified R8 and proposed for RM20, (.65 acres), to permit the development of 10 townhouse units, approved for 7 townhouse units, requested by The Hamilton Company for Glen Ferguson, owner. (See Zone Change Proposal No. 2004Z-019U-10 above).

Staff Recommendation - Disapprove

APPLICANT REQUEST

Amend Preliminary PUD - Request to amend the existing Dinwiddie Square Preliminary Planned Unit Development, to be called Hamilton Park, to allow for the development of 10 townhouses on approximately 0.64 acres. The PUD property is in the southwest corner of Fairfax Avenue and 24th Avenue South.

PLAN DETAILS

Site Design: The proposed plan calls for the development of 10 townhomes, to be located along the perimeter of the site, where six units are proposed along 24 Avenue South and four units are proposed along Fairfax Avenue. All units are proposed to face the existing streets, with little to no setback along each street, and all parking and detention to be located to the rear (west) of the site away from the intersection. The proposed PUD amendment exceeds the density allowed by the current Subarea 10 Plan, exceeds both the allowable rear yard setbacks and appropriate contextual setbacks along Fairfax and 24th Ave., South.

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

Proposed Zone Change: The applicant is proposing a zone change as part of this PUD amendment application. The requested zone change is from the R8 district to RM20. RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The land use policy for the site, under the Subarea 10 Plan, is Residential Medium (RM), which allows for a density range of 4 to 9 dwelling units per acre. Staff is recommending disapproval of the associated zone change.

Access: Access to the site is being provided in two areas. One is directly off of Fairfax Avenue as a one-way-in to the site and the other is a two-way access point off of the existing 15-foot alley located to the rear (south) of the site. Public Works has recommended that the applicant widen the alley, from the proposed ingress / egress point to 24 Avenue South, to meet current width standards.

METRO PUBLIC WORKS' COMMENTS - Public Works provided comments that have yet to be adequately addressed by the applicant. Those comments were design based and did not address numbers of trips. The increased number of trips, as discussed in the associated zone change application, did not appear to be significant; therefore, the department recommended No Exception Taken.

STAFF RECOMMENDATION - Although the currently-approved PUD plan allows for the development of 7 townhomes, staff is recommending disapproval of the proposed amendment because the current land use policy calls for a density of 4 to 9 units per acre. By amending to plan to develop 10 units, the proposed density would exceed 15 units per acre. Staff recognizes that the existing PUD plan also exceeds the allowable density, but the existing PUD was successfully approved and adopted by Metro Council in 1984 – thereby establishing development rights for the 7-unit PUD plan.

Mr. Mitchell presented and stated that staff is recommending disapproval.

Mr. Tom Grooms, 2605 Barton Avenue, president of the Hillsboro West End Neighborhood Association stated that he support the disapproval of this zone change request.

Mr. McLean requested clarification regarding the setbacks for this proposal and what was necessary to obtain approval in relation to the setbacks.

Mr. Clifton commented that this area being a traditional neighborhood, involves not only set backs, but the consistency of a streetscape.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to disapprove Zone Change No. 2004Z-019U-10 and Planned Unit Development No. 286-84-U-10. **(9-0)**

Resolution No. 2004 –039

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-019U-10 is **DISAPPROVED. (9-0)**

The proposed RM20 district is not consistent with the Subarea 10 Plan’s Residential Medium (RM) policy calling for residential development within a density range of four to nine dwelling units per acre. Further expansion of non-residential and higher density residential uses should not occur along 21st Avenue South into the RM policy area on 24th Avenue South.”

Resolution No. 2004 –040

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 286-84-U-10 is **DISAPPROVED. (9-0)**”

- 13. 2004Z-020U-14**
Map 96-01, Parcel 18
Subarea 14 (1996)
District 14 (White)

A request to change from R10 district to CS district property at 115 Benson Road, approximately 285 feet north of Old Lebanon Pike, (0.53 acres), requested by John Harwell, applicant/owner.

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2004Z-020U-14 to February 12, 2004. (9-0)

- 14. 2004Z-021G-03**
Map 39, Part of Parcel 94
Subarea 3 (1998)
District 3 (Hughes)

A request to change from AR2a district to RM4 district a portion of property located at 5424 Clarksville Pike, approximately 350 feet southeast of Old Hickory Boulevard, (22 acres), requested by Jim Lukens, P.E., Lukens Engineering Consultants, applicant, for Carroll and Greg Richardson, owners.

The Metropolitan Planning Commission voted unanimously to DEFER Zone Change No. 2004Z-021G-03 to February 12, 2004. (9-0)

- 15. 2004Z-022U-14**
Map 94, Parcel 43
Subarea 14 (1996)
District 15 (Loring)

A request to change from R10 district to CS district property at 1510 Lebanon Pike, approximately 220 feet east of Spence Lane, (1.77 acres), requested by Roy Flowers, applicant, for Patricia F. Gray and Nancy F. Curtis, owners.

Staff Recommendation - Approve

APPLICANT REQUEST - Rezone 1.77 acres from residential (R10) to commercial service (CS) district at 1510 Lebanon Pike.

Existing Zoning

R10 district - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at a density of 3.7 dwelling units per acre, or an overall density of 4.63 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 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 (CS) is consistent with the Subarea 14 Plan’s CAE policy. This proposal for CS zoning district would allow development to occur in a nodal pattern. It is also consistent with the established zoning pattern along Lebanon Pike which is a commercial arterial street in this location. This property, along with two other residentially zoned parcels, is surrounded by industrial uses to the north and commercial uses on both sides and across the street.

RECENT REZONINGS - None.

TRAFFIC - Based on the trip generation numbers for commercial service (CS), this proposal is expected to generate approximately 1735 to 1986 daily vehicular trips ranging from new car sales to shopping center uses. (Institute of Transportation Engineers, 6th Edition, 1996). Other uses at different densities could generate more or less traffic.

Public Works Recommendations

Current Zoning R10, Peak Adj. Street Traffic (Code 210, Single Family Detached Housing)
AM trips = 7 PM trips = 9

Proposed Zoning CS, Peak Adj. Street Traffic (Code 110, Light Manufacturing)
AM trips = 43 PM trips = 46

“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.”

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 –041

“BE IT RESOLVED by the Metropolitan Planning Commission that Zone Change No. 2004Z-022U-14 is **APPROVED. (9-0)**

The proposed CS district is consistent with the Subarea 14 Plan’s Commercial Arterial Existing (CAE) policy, which is intended to recognize existing areas of “strip commercial.” The proposed zoning would allow development to occur in a nodal pattern and is consistent with the zoning pattern along Lebanon Pike that is a commercial arterial street in this location.”

- 16. **2004Z-023U-10**
Map 131-02, Parcel 12
Subarea 10 (1994)
District 25 (Shulman)

A request to change from OR20 district to MUL district property located at 4103 Hillsboro Circle, approximately 350 feet north of Hobbs Road, (0.17 acres), requested by Robert W. Rutherford, Attorney, applicant, for Phillips-Robinson Company, owner.

The Metropolitan Planning Commission voted unanimously to DEFER Preliminary Subdivision Plat No. 2004Z-023U-10 to February 12, 2004. (9-0)

X. PRELIMINARY SUBDIVISION PLATS

- 17. 2004S-038U-05**
 Sam Levy Homes, Phase I
 Map 82-11, Parcels 56, 71, 72, 73, 79, 158 and Various Parcels
 Subarea 5 (1994)
 District 5 (Murray)

A request for preliminary plat approval for 10 lots located on the west margin of Ellington Parkway and the south margin of Berry Street, (34.67 acres), classified within the RM20 district, requested by the Metropolitan Development Housing Authority, owner, Barge, Waggoner, Sumner & Cannon, Surveyor.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Preliminary Plat - Request to subdivide 35.63 acres into 10 lots

ZONING

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

SUBDIVISION DETAILS - This preliminary plat is part of the redevelopment plan for Sam Levy that includes demolishing all existing housing units and replacing them with new homes. The Dollar General Store and the Community Center will remain.

Legislation will need to be approved by Council to abandon right-of-way and utility lines/easements prior to final plat recordation. That legislation will be reviewed by the Commission as a Mandatory referral.

PUBLIC WORKS - No exceptions taken. Approvals are subject to Public Works review and approval of construction plans. Road designs which meet Metro standards will be approved. Abandonment of right-of-way will require approval of Metro Traffic and Parking Commission, the Planning Commission and the Council.

STORMWATER-Approval from the Stormwater Management Department must be obtained prior to the Planning Commission meeting. The applicant has addressed water quality in a note indicating they want to try using a pond. If a pond is going to be used then the proposed location must be shown on the plat.

CONDITIONS - A revised plat shall be submitted prior to the Planning Commission meeting that shows:

1. A note explaining the purpose of the subdivision.
2. The proposed locations of the detention/water quality ponds.

Approved with Conditions **(10-0)**, *Consent Agenda*

Resolution No. 2004 -042

“BE IT RESOLVED by the Metropolitan Planning Commission that Preliminary Subdivision No. 2004S-038U-05 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. A note explaining the purpose of the subdivision.
2. The proposed locations of the detention/water quality ponds.”

XI. FINAL PLATS

- 18. 98S-129U-10**

Baldwin Arbor, First Revision
Map 131-01-K, Parcels 1-9
Subarea 10 (1994)
District 34 (Williams)

A request for final plat approval to move the public sidewalk from the east side of Baldwin Arbor Drive to the west side of Baldwin Arbor Drive on nine lots abutting the north margin of Hobbs Road, approximately 147 feet west of Legend Hall Drive (2.81 acres), classified within the RS10 district, requested by Hobbs, LLC, owner/developer, Walter Davidson and Tom Ragsdale.

Staff Recommendation - Approve moving sidewalk to the west side of Baldwin Arbor Road.

APPLICANT REQUEST

Final Plat - This request was originally for a sidewalk variance, but has since been changed to allow for the existing approved 4-foot sidewalk to be moved from the east side of Baldwin Arbor Road to the west side of Baldwin Arbor Road with no grass strip.

The Planning Commission approved the preliminary and final plats in 1998, including a 4-foot wide sidewalk and a 2-foot wide grass strip between the sidewalk and the curb—meeting the requirements of the Subdivision Regulations at that time.

ZONING

RS10 district - RS10 zoning allows single-family residential requiring minimum lot size of 10,000 square feet.

HISTORY - The applicant originally requested a variance to the sidewalk provisions (Section 2-6.1) of the Subdivision Regulations to eliminate an unbuilt, 600-foot long sidewalk along the east side of Baldwin Arbor Road. The applicant contended that because the sidewalk would require the removal of mature trees, existing driveways, and various other obstructions, that the sidewalk was a hardship. Staff recommended disapproval of the variance request since there was no unique property hardship.

SUBDIVISION VARIANCES

Sidewalks (Section 2-6.1) Staff recommends a variance to eliminate the required 2-foot grass strip, where necessary, allowing the sidewalk to be moved farther from the existing trees on the west side of the road.

Metro Public Works Findings - No Exception Taken

If this request is approved, the revised plat shall include the following prior to recordation:

1. Signatures of all property owners within the subdivision.
2. Note number 14 must be changed to reference Instrument # 20000128-0009264.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –043

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision Plat No. 98S-129U-10 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. Signatures of all property owners within the subdivision.
2. Note number 14 must be changed to reference Instrument # 20000128-0009264.”

19. 2003S-157U-07
White Subdivision
Map 130-01, Parcel 99
Subarea 7 (2000)

District 34 (Williams)

A request for final plat approval to create a new parcel from an existing lot abutting the southeast corner of Harding Pike and Page Road (0.65 acres), classified within the CS district, requested by Arlene White, owner, John Kohl & Company, surveyor.

Staff Recommendation - Approve the subdivision with conditions, but disapprove the request for a sidewalk variance.

APPLICANT REQUEST - Request for final plat approval to create a new parcel from an existing lot abutting the southeast corner of Harding Pike and Page Road (0.65 acres) at 5401 Highway 100.

ZONING

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

SUBDIVISION DETAILS - This subdivision would split a 0.65 acre parcel into a 0.38 acre parcel (western portion, new parcel 1) and a 0.27 acre parcel (eastern portion, new parcel 2). There is an existing business on the western portion of the lot. The eastern portion is vacant. The western portion fronts on Harding Road (U.S. Highway 70) and the eastern portion fronts on Page Road and an alley.

The paved portion of the existing alley encroaches approximately ten feet onto the eastern side of Lot 2. The alley has not been maintained. It is frequently used to bypass the intersection of Highway 70 and Page Road for access to a post office and other commercial businesses to the south. There is a line of trees and a fire hydrant in the platted alley which has shifted traffic west onto what is proposed as Lot 2.

SIDEWALK

Variance Request - The applicant has requested a sidewalk variance along the Page Road frontage of Lot 2. The applicant does not want to limit vehicular access to the proposed Lot 2 from Page Road. The applicant further states that Page road is narrow, without shoulders or connecting sidewalks. Applicant states that the building that existed on Lot 2 was torn down by mistake, and now that requiring sidewalks as a condition of subdivision and rebuilding, it would cause a hardship. The applicant initially sought to develop this property without a subdivision and was informed by the Codes Department that the Zoning Code would require a sidewalk on the entire road frontage of what is now proposed Lots 1 and 2

Public Works Constructability Report - There are no impediments to the construction of a sidewalk in this location.

Staff Recommendation For Variance - When evaluating a variance request, staff reviews the criteria outlined in the Metro Subdivision Regulations.

Staff found that:

The conditions upon which the request for this variance is based are not unique to the subject property. Because of the particular physical surroundings, shape, or topographical conditions of the property, staff does not believe that a particular hardship to the owner would result, as distinguished from a mere inconvenience.

TRAFFIC ENGINEER'S FINDINGS - The pavement width of Page Road was measured at 20 feet. The standard road section for a 50-ft. right-of-way has 27 feet of pavement. This part of Page Road should be widened by three and a half feet, which would make the developer's half of Page Road consistent with ST-252. ST-210 sidewalk, and ST-210 curb and gutter are buildable on this site.

CONDITIONS - If the sidewalk variance is *denied*:

1. Access to the property shall be from the existing alley entrance off Page Road and cross access with the corner lot. The cross access shall be shown on the plat.
2. This part of Page Road shall be widened by 3 ½ feet, making the applicant's half of Page Road consistent with ST-252.
3. Install curb and gutter along the Page Road frontage consistent with ST-200.

If the sidewalk variance is *granted*:

1. Cross access with the corner lot shall be shown on the plat.

Mr. Kleinfelter presented and stated that staff is recommending approval of the subdivision with conditions, but disapproval of the request for a sidewalk variance.

Ms. Arlene White, 6040 Jocelyn Hollow Road, spoke in favor of the proposal with the request of the sidewalk variance.

Mr. Sweat asked for clarification regarding the Page Road access and the necessity of sidewalks.

Mr. Tyler asked for clarification on the sidewalks and the location within the alley.

Mr. McLean could not rationalize the need for sidewalks in relation to this proposal and the need to access Page Road.

Mr. Small commented on the issue of having to build sidewalks for the proposed development and questioned whether the lot could be subdivided to eliminate the need for sidewalks.

Ms. Jones commented on the issue of sidewalks and the necessity of their existence. She stated that the sidewalks should have been in place long before this proposal.

Mr. Bernhardt offered that this proposal could be disapproved which would require the applicant to go before the Board of Zoning Appeals to request a sidewalk variance.

Councilmember Loring stated that he is in favor of the proposal but without the construction of sidewalks.

Mr. Clifton stated that in light of all the circumstances that have been presented, he would support the motion to exclude the sidewalk requirement.

Ms. Jones expressed her opposition of approving this proposal. She stated that it should be sent to the BZA for the sidewalk variance.

The Commission requested clarification on the condition pertaining to cross access of the proposal.

Mr. Sweat moved, and Councilmember Loring seconded the motion, to approve Final Plat No. 2003S-157U-07 with the granting of the sidewalk variance, and that cross access is required between the two lots of the plat. **(8-1)** No Vote – Jones

Resolution No. 2004 –044

“BE IT RESOLVED by the Metropolitan Planning Commission that Subdivision No. 2003S-157U-07 is APPROVED INCLUDING SIDEWALK VARIANCE, BUT WITH CONDITION THAT CROSS-ACCESS BE PROVIDED BETWEEN THE TWO LOTS. (8-1)”

XII. PLANNED UNIT DEVELOPMENTS (revisions)

20. 60-86-P-14

Northlake Village Exxon
Map 86, Parcel 208
Subarea 14 (1996)
District 12 (Gotto)

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development located abutting the northwest corner of Andrew Jackson Parkway and Old Hickory, classified R8, (1.52 acres), to permit the addition of a car wash to an existing Exxon Convenience market, requested by Ragan-Smith Associates for Exxon Corporation, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request for revision to a preliminary Planned Unit Development and Final PUD approval for the Northlake Village Commercial PUD to allow for the development of an 864-square foot automatic car wash on the same tract as the Exxon fuel station. The property is located at the southeast corner of Old Hickory Boulevard and Andrew Jackson Way.

PLAN DETAILS - The plan proposes one building, 864 square feet in size, with access to the facility coming off of the existing shared access drive between the fuel station and the adjacent Eckerd's drug store.

The addition of the car wash does not increase the Council-approved building square footage on the property by more than 10%; therefore, an amendment to the PUD is not required for this addition.

METRO PUBLIC WORKS' COMMENTS -Comments regarding the queuing lane were submitted to the applicant. These comments were satisfactorily addressed.

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 **(10-0)**, *Consent Agenda*

Resolution No. 2004 -045

"BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 60-86-P-14 is **APPROVED WITH CONDITIONS. (10-0)**

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.”

21. 71-86-P-14
 Stewartwood Annex Commercial PUD
 Map 96, Parcel 56
 Subarea 14 (1996)
 District 14 (White)

A request to revise the preliminary plan and for final approval for a phase of the Commercial Planned Unit Development district located abutting the north margin of Stewarts Ferry Pike, 800 feet east of McCrory Road, classified CL, (1.68 acres), to permit the development of a 10,500 square foot general office and a 7,700 square foot retail building to replace an undeveloped 10,500 square foot general office and a 3,300 square foot food service building, requested by Garry Batson, for Bobby Shoffner, owner.

Staff Recommendation - *Approve with conditions as an Amendment to the PUD*

APPLICANT REQUEST

Revise Preliminary & Final PUD - Request for revision to a Preliminary Planned Unit Development and for Final PUD approval for the Stewartwood Annex Commercial PUD to allow for the development of 18,200 square feet of commercial retail / general office on a 1.79-acre tract. The property is located along the north side of Stewarts Ferry Pike, north of Interstate 40.

PLAN DETAILS - The plan proposes two buildings, one 7,700 square feet and the other 10,500 square feet, with access to the site via the private drive / parking area of the adjacent strip commercial center. The strip center has two points of ingress and egress onto Stewarts Ferry Pike. Both Planning staff and Metro Public Works to recommend approval of using the parking area as an access point.

Requirement for PUD Amendment - The most recent PUD plan approved plan approved by Metro Council allowed for the development of 13,800 square feet of general commercial and general office. Pursuant to §17.40.120G.2.h., “the total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council.” The increase of the square footage to 18,200 square feet exceeds the allowable increase of 1,380 square feet by approximately 3,000 square feet. Accordingly, the applicant’s request must be approved by the Metro Council as an amendment to the PUD.

METRO PUBLIC WORKS’ COMMENTS

Comments regarding the proposed sidewalk along Stewarts Ferry Pike were submitted to the applicant. These comments were satisfactorily addressed.

CONDITIONS

- 1. This request must be considered by the Metro Council as an amendment to the PUD since the additional square footage exceeds the allowable square footage increase per the Metro Code.
- 2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
5. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

Approved with Conditions (10-0), *Consent Agenda*

Resolution No. 2004 –046

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 71-86-P-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

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

- 22. 2000P-003G-06**
 Riverwalk Townhomes
 Map 126, Parcels 67 and 68
 Map 140, Parcel 8.01
 Subarea 6 (2003)
 District 35 (Tygard)

A request for final approval for a phase of the Planned Unit Development located abutting the east margin of Newsom Station Road, north of Interstate 40, classified RM2, (58.48 acres), to permit the development of 61 townhouse units, requested by Civil Site Design for Corinthian Homes, owner.

Staff Recommendation - Approve with conditions

APPLICANT REQUEST

Final PUD - Request for Final PUD approval for the Riverwalk PUD to allow for the development of a 61-unit townhouse project (Phase 5) on approximately 58.48 acres of the PUD. The property is located along the north side of Newsom Station Road, west of the Harpeth River, and south of Phase 1 of the Riverwalk PUD.

PLAN DETAILS - The plan proposes 61 townhouse units that are located along either side of a single private drive that enters the site from Riverwalk Drive. The proposed plan is consistent with the Council approved preliminary plan. However, this plan has reduced the impact to the steep topography from the original plan for this portion of

the PUD since the units are grouped in a closer pattern and not extended to the southeast corner of the site, as approved on the preliminary plan.

The proposed density for this phase of the PUD is 1 unit per acre, and the developer is providing 92% open space based on gross acreage.

COMMENTS - No Exception Taken

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 (10-0), *Consent Agenda*

Resolution No. 2004 -047

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 2000P-003G-06 is **APPROVED WITH CONDITIONS. (10-0)**”

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.”

XIII. MANDATORY REFERRALS

23. **2004M-005U-02**
Acquisition of Property on Brick Church Lane
Map 50, Parcels 9, 20 and 20.01
Map 50-10B, Parcels 2 and 3
Subarea 2 (1995)
Districts 3 (Hughes)

An Ordinance, drafted by the Metropolitan Department of Real Property Services, for property acquisition located on the north and south margins of Brick Church Lane, between I-24 and Brick Church Pike, for replacement of the box bridge across the North Fork of Ewing Creek.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An Ordinance for property acquisition located on the north and south margins of Brick Church Lane, between I-24 and Brick Church Pike, for replacement of the box bridge across the North Fork of Ewing Creek, and also Dry Fork Road over Carney Creek.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception. NES has taken the position that any required relocation of existing distribution lines will be at that entity's expense.

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

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –048

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-005U-02 is **APPROVED (10-0).**”

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- 24. 2004M-006G-03**
Property Acquisition on Dry Fork Road
Map 39, Parcels 50, 51, 63 and 233
Subarea 3 (1998)
Districts 1 (Gilmore)

An Ordinance, drafted by the Metropolitan Department of Real Property Services, for property acquisition located on the north and south margins of Dry Fork Road, on the east margin of Stenberg Road, to replace a box bridge across Carney Creek.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An Ordinance for property acquisition located on the north and south margins of Dry Fork Road, and on the east margin of Stenberg Road, to replace a box bridge across Carney Creek.

DEPARTMENT AND AGENCY COMMENTS - No responding departments or agencies take exception. Metro Water Services wishes to make known that there is an existing 12” sewer line located on the northeastern side of Stenberg Road at Dry Fork Road on Parcel 63.

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

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –049

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-006G-03 is **APPROVED. (9-0)**”

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- 25. 2004M-007U-10**
Disposition of surplus property on Woodmont Boulevard
Map 116-03, Parcel 18
Subarea 10 (1994)

Districts 24 (Summers)

An Ordinance, drafted by the Metropolitan Department of Real Property Services, for disposition of surplus property located on the west margin of Woodmont Boulevard and the north margin of Ashley Park Drive, for the purpose of selling property no longer need by the Metropolitan Government.

Staff Recommendation - *Approve*

APPLICANT REQUEST - An Ordinance, for disposition of surplus property located approximately 175 feet west of the west margin of Woodmont Boulevard and north of Ashley Park Drive, for the purpose of selling property no longer needed by the Metropolitan Government.

DEPARTMENT AND AGENCY

COMMENTS No responding departments or agencies take exception. NES retains any and all easements they have that may be associated with the property.

RECOMMENDATION The following departments or agencies have reviewed this request and recommended approval: Metro Historical Commission, and NES.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –050

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-007U-10 is **APPROVED. (10-0)**”

26. **2004M-008U-09**
Awning Encroachment at 322 Broadway
Map 93-06-4, Parcel 1
Subarea 9 (1997)
Districts 6 (Jameson)

A request for an awning and sign encroachment for Global Café, located at 322 Broadway, on the northeast corner of Broadway and Fourth Avenue South, submitted by the Department of Public Works for Global Café, Inc.

Staff Recommendation - Approve subject to NES approval.

APPLICANT REQUEST - A request for an awning and sign encroachment for Global Café, located at 322 Broadway, on the northeast corner of Broadway and Fourth Avenue South, submitted by the Department of Public Works for Global Café, Inc. This request consists of a sign that will protrude two feet from the building a minimum of twelve feet above the ground and seven canvas and aluminum awnings that protrude approximately three feet from the building approximately ten feet above the ground.

DEPARTMENT AND AGENCY COMMENTS - NES has recommended disapproval pending review of constructions drawings. Those drawings are being provided. No other responding departments or agencies take exception. The request presents no apparent barriers to access or circulation.

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

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –051

“BE IT RESOLVED by the Metropolitan Planning Commission that Mandatory Referral No. 2004M-008U-09 is **APPROVED. (9-0)**”

XIV. OTHER BUSINESS

27. Request to Re-hear Hamilton Church Subdivision, 2003S-254U-13
(Deferred from meeting of January 8, 2004).

Councilmember Loring requested that Councilmember Bradley present the information pertaining to the request of rehearing the Hamilton Church Subdivision proposal.

Councilmember Bradley explained there were safety issues associated with the connector-street and Hamilton Church Road included in this proposal. He stated that he agrees with all the other facets of the proposal. He stated that there was a narrow section of Hamilton Church Road that contains a blind spot, which will result in many safety hazards for those who will be exiting the new neighborhood if this road is not widened. He explained that he contacted the Metro Police Department and asked them to run radar on this stretch of Hamilton Church Road and within ninety minutes, four speeding tickets were issued.

Councilmember Bradley also shared concerns regarding a new elementary school that is slated for this area in which at least five buses will be utilizing this section of Hamilton Church Road. He explained that this road is currently being used as a “cut through” road for residents of Hobson Pike and Murfreesboro Road which causes additional concerns.

Councilmember Bradley also expressed concerns regarding the connectivity of Hamilton Church Road. He stated that he spoke to the attorney of the developer who is willing to discuss the issue of funding the connector road once Hamilton Church Road is widened. He has discussed this with Public Works as well as the Mayor’s office.

Mr. Clifton moved, and Mr. Sweat seconded the motion, which passed unanimously, to approve the request to rehear the Hamilton Church Subdivision, 2003S-254U-13. (7-0) (Jones, Small – abstained from voting due to the fact they did not hear the original proposal).

28. 98-73-G-02
Hickory Hills Commercial
Map 31, Parcel 148
Subarea 2 (1995)
District 3 (Hughes)

A request for a revision to the preliminary plan for a phase of the Planned Unit Development located abutting the western margin of Hickory Hill Boulevard, north of Old Hickory Boulevard, classified OR20, (12.4 acres), to permit a 47,000 square foot office/switching station and 23,900 square feet of future expansion capabilities for a wireless communication company, replacing an undeveloped 78,000 square foot office, requested by Hodgson Douglas for Hickory Lenders, owner.

Staff Recommendation - *Approve with conditions*

APPLICANT REQUEST

Revise Preliminary - Request to revise the preliminary PUD plan of the Hickory Hills Commercial PUD to allow for the development of a 47,000-square foot cellular telephone switching station and 23,900 square feet of potential expansion into a phase 2, on a 12.4-acre tract, for a total of 70,900 square feet. The property is located along the west side of Hickory Hills Boulevard, north of Old Hickory Boulevard.

PLAN DETAILS

The existing preliminary Planned Unit Development plan allows for the development of 78,000 square feet of office / distribution for this phase. The applicant is requesting to revise the preliminary PUD plan by splitting this lot into two phases – the first being the 47,000-square foot switching station and the second being 23,900 square feet of expansion area for that use. Both phases would still fall below the Council-approved 78,000 square feet allowed for this lot within the overall PUD.

TRAFFIC ENGINEER’S FINDINGS - No Exceptions Taken

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.

Approved (10-0), *Consent Agenda*

Resolution No. 2004 –052

“BE IT RESOLVED by the Metropolitan Planning Commission that PUD No. 98-73-G-02 is **APPROVED WITH CONDITIONS. (10-0)**

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.

29. Executive Director Reports

30. Legislative Update

XV. ADJOURNMENT

There being no further business, upon motion made, seconded and passed, the meeting was adjourned at 9:10 p.m.



Chairman

Secretary